

City of Quincy, Massachusetts

Zoning Code



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Quincy, Massachusetts
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QUINCY ZONING ORDINANCE

June 14, 2011

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QUINCY ZONING ORDINANCE

June 14, 2011

SECTION 1.0 PURPOSE AND AUTHORITY

1.1 TITLE. The ordinance codified in this title, enacted pursuant to and under the authority of G.L. C. 40A, as amended, shall be known and may be cited as the “Quincy Zoning Ordinance” or this “Ordinance.” The adoption of this Ordinance nullifies and replaces all previous versions of the Zoning Ordinance.

1.2 PURPOSE. This Ordinance is enacted to promote the purposes set forth in 1975 Mass. Acts 808, Section 2A, which include, but are not limited to, the following: to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land, to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the city, including consideration of the recommendations of the master plan, if any, adopted by the planning board and the comprehensive plan, if any, of the regional planning agency; and to preserve and increase amenities by the promulgation of regulations to fulfill said objectives. Said regulations may include but are not limited to restricting, prohibiting, permitting or regulating:

1. uses of land, including wetlands and lands deemed subject to seasonal or periodic flooding;
2. size, height, bulk, location and use of structures, including buildings and signs except that billboards, signs and other advertising devices are also subject to the provisions of sections twenty-nine through thirty-three, inclusive, of chapter ninety-three, and to chapter ninety-three D;
3. uses of bodies of water, including water courses;
4. noxious uses;
5. areas and dimensions of land and bodies of water to be occupied or unoccupied by uses and structures, courts, yards and open spaces;
6. density of population and intensity of use;

7. accessory facilities and uses, such as vehicle parking and loading, landscaping and open space; and

8. the development of the natural, scenic and aesthetic qualities of the community.

1.3 AUTHORITY

This Zoning Ordinance is authorized by, but not limited by, the provisions of the Zoning Act, G.L. c. 40A, as amended, Section 2A of 1975 Mass. Acts 808, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

1.4 SCOPE. For these purposes, the construction, repair, alteration, reconstruction, height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot area that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land in the City of Quincy are regulated as hereinafter provided.

1.5 APPLICABILITY. All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and the use of all premises in the City of Quincy, shall be in conformity with the provisions of the Zoning Ordinance. No building, structure or land shall be used for any purpose or in any manner other than is expressly permitted within the district in which such building, structure or land is located. Where the application of this Ordinance imposes greater restrictions than those imposed by any other regulation, permit, restriction, easement, covenant, or agreement, the provisions of this Ordinance shall control.

1.5.1 Commencement of Construction or Operation. Construction or operations under a building permit or special permit shall conform to any subsequent amendments to this Ordinance, unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and in any case involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

1.6 AMENDMENTS. This Ordinance may from time to time be changed by amendment, addition, or repeal by the City Council in the manner provided in G.L. c. 40A, s.5, and any amendments thereto.

1.7 SEPARABILITY. The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision herein.

2.0 DISTRICTS

2.1 ESTABLISHMENT

2.1.1 General. For the purpose of this Ordinance, the City of Quincy is divided into the types of zoning districts set forth below:

DISTRICT	PURPOSE
Residence Districts:	
Residence A	Single family
Residence B	Multifamily, low density
Residence C	Multifamily, medium density
Business Districts:	
Business A	Local Business
Business B	General Business
Business C	Central Business
Industrial Districts:	
Industrial A	Light Industry
Industrial B	Heavy Industry

2.1.2 Special Districts. The following special districts are also hereby established and described in Section 8.0 of this Ordinance:

Flood Plain Overlay District (Section 8.1)
Open Space (Section 8.2)
Quincy Center District-10 (QCD-10) and Quincy Center District-15 (QCD-15) (Section 8.3)
Planned Unit Development (Section 8.4)
Planned Unit Development 1 (Section 8.4)

2.2 MAP

2.2.1 Establishment. The boundaries of the districts established in Section 2.1 are established as shown on the map entitled "Zoning Map of the City of Quincy," as amended from time to time, which map, with all explanatory matter thereon, is attached to and made a part of this Ordinance. The zoning map shall be on file in the office of the Building Commissioner of the City.

2.2.2 District Boundaries; Uncertainties and Resolution. The boundaries between districts are as shown on the zoning map. Where uncertainty exists with respect to the boundaries of districts, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets and waterways shall be construed as following such center line.
2. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines, unless they are otherwise indicated on the map.
3. Boundaries indicated as following shorelines shall be construed as following such shorelines at mean low water level.
4. Boundaries indicated as following railroad or rapid transit lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as being approximately parallel to the center lines of streets or other features indicated in subsections 1 through 4 of this Section shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. Distances not specifically given on the zoning map shall be determined by the scale of the zoning map.
6. Where physical or cultural features existing on the ground differ from those shown on the zoning map, or on other circumstances not covered by subsections 1 through 5 of this Section, the Building Commissioner shall interpret the district boundaries.

SECTION 3.0 USE REGULATIONS

3.1 PRINCIPAL USES. No land shall be used and no structure shall be erected or used except as set forth in the following Table of Use Regulations, including the notes to the Table, or as otherwise set forth herein, or as exempted by General Laws. Any building or use of premises not herein expressly permitted is hereby prohibited. Not more than one principal use shall be allowed on any lot, except as otherwise may be provided herein.

3.1.1 Symbols. Symbols employed in the Table of Use Regulations shall mean the following:

- | | | |
|----|---|--|
| Y | - | A permitted use. |
| N | - | An excluded or prohibited use. |
| PB | - | A use authorized under special permit from the Planning Board as provided under Section 9.4. |
| BA | - | A use authorized under special permit from the Board of Appeals as provided under Section 9.4. |
| CC | - | A use authorized under special permit from the City Council as provided under Section 9.4. |

3.1.2 Applicability. When an activity might be classified under more than one of the following uses, the more specific classification shall govern; if equally specific, the more restrictive shall govern.

3.1.3 Major Nonresidential Use. Notwithstanding the entries in the Table of Use Regulations for a specific nonresidential use in subsections C- J, inclusive, a Major Nonresidential Use shall require a special permit from the Planning Board; provided, however, that an Urban Renewal Use shall be exempt from this requirement. For example, a “business or professional office” in the BC District shall be allowed as of right as long as it does not exceed 9,999 gross square feet in floor area; thereafter, the use shall be classified as a Major Nonresidential Use and shall require a special permit from the Planning Board. The special permit requirement for a Major Nonresidential Use shall supersede the requirement for site plan review set forth in Section 9.5; it shall not supersede the requirement of a variance, when applicable.

3.1.4 Table of Use Regulations. See Appendix A.

3.2 ACCESSORY USES AND STRUCTURES

3.2.1 General. The following provisions shall apply to all accessory uses and structures.

1. An accessory use shall be permitted only on the same lot as the building or use to which it is accessory, except as otherwise provided herein.
2. No accessory use shall occupy more than twenty-five percent of the gross floor area of the principal structure located on the lot, whether such accessory use is located in the principal structure or not.
3. No accessory use is permitted which involves the maintenance of a stock in trade or the use of signs, show windows, illumination or displays except as permitted in Section 5.3.

3.2.2 Accessory Uses; All Districts. The following accessory uses are specifically permitted in all districts as of right or by special permit:

1. *Temporary Construction Trailers.* The Building Commissioner may grant a temporary occupancy permit for temporary buildings and trailers during building construction where reasonably required for such construction. Such permit may be issued for an initial period of not more than one year. Permits may be renewed by the Building Commissioner for successive periods of not more than one year each.
2. *Accessory Scientific Uses.* Uses, whether or not on the same parcel as activities permitted as a matter of right, which are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit by the Board of Appeals, provided that the Board finds that the proposed use does not substantially derogate from the public good.
4. *Family Day Care Homes.* Small and large family day care homes are allowed as set forth in the Table of Uses.
5. *Adult Day Care Homes.* Adult day care homes are allowed in all districts as an accessory use only upon the issuance of a special permit by the Board of Appeals.

3.2.3 Accessory Uses in the Residence Districts. The following provisions shall apply to accessory uses and structures in the Residence Districts:

1. *Certain Buildings.* Tool sheds, garden sheds, storage sheds, garages, or other like buildings shall be allowed as accessory uses in the Residence Districts. Any such building shall meet the minimum front yard requirements; however, the minimum rear and side yard setback shall be six feet. No such building shall be higher than one story, or sixteen feet, which for the purposes of this Section only, shall be measured from the floor to the peak of the roof, nor shall such building exceed twenty-five percent of the gross floor area of the principal structure on the lot. Any such building shall be located at least ten feet away from any other building or structure. Such buildings shall be properly

anchored for wind loading.

2. *Parking of Commercial Vehicles.* The following regulations shall govern the off-street parking of commercial vehicles in the Residence Districts:

- a. Not more than one commercial vehicle of not more than 10,000 gvwt may be parked or garaged on the premises.
- b. Not more than one commercial vehicle of 10,000 – 20,000 gvwt may be garaged on the premises; no outdoor parking of such vehicles is permitted.
- c. The outdoor parking or garaging of a commercial vehicle of more than 20,000 gvwt is prohibited.

3. *Private Garage or Parking Area.* A private garage or parking area for not more than four noncommercial motor vehicles accessory to a single-family dwelling or a permitted nonresidential use in any Residence District; for not more than two noncommercial motor vehicles for each dwelling unit for a two-family or multifamily dwelling in Residence A, B, and C; for not more than 10 motor vehicles in any other district; provided, however, that more than the limits specified above may be authorized by special permit from the Board of Appeals.

4. *Prohibited Accessory Uses.* In the Residence Districts, the following accessory uses are prohibited:

- a. Kennels;
- b. Contractor's yard for the storage of building materials or equipment;
- c. The storage or keeping of commercial landscaping equipment, materials, supplies, or piles;
- d. Commercial auto repair or service.

3.2.4 Accessory Uses in the Business and Industrial Districts. In the Business and Industrial Districts, any use permitted as a principal use is also permitted as an accessory use provided such use is customarily incidental to the main or principal building or use of the land. Any use authorized as a principal use by special permit may also be authorized as an accessory use by special permit provided such use is customarily incidental to the main or principal building or use of the land. Any use not allowed in the district as a principal use is also prohibited as an accessory use. Accessory uses are permitted only in accordance with lawfully existing principal uses. In all instances where site plan review and approval is required for a principal use, the addition of any new accessory use to the principal use, where such addition exceeds the thresholds established in Section 9.5, shall also require site plan review and approval.

1. *Parking of Commercial Vehicle.* The garaging or parking of not more than one commercial vehicle, not to exceed 20,000 gvw, shall be allowed as of right in the Business and Industrial Districts, except in the BA District.

3.3 HOME OCCUPATIONS

3.3.1 Home Occupation - As of Right. One (1) home occupation may be allowed on any premises as of right, provided that the home occupation:

1. is conducted solely within a dwelling and solely by the person(s) occupying the dwelling as a primary residence;
2. is clearly incidental and secondary to the use of the premises for residential purposes;
3. does not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission or environmental pollution;
4. does not utilize exterior storage of material or equipment (including the parking of commercial vehicles);
5. does not exhibit any exterior indication of its presence or any variation from residential appearance;
6. does not produce any customer, pupil, or client trips to the occupation site and has no nonresident employees;
7. is registered as a business with the City Clerk.

3.3.2 Home Occupation - By Special Permit. One (1) home occupation may be allowed on any premises by special permit issued by the Board of Appeals, provided that:

1. the home occupation complies with the pertinent provisions of Section 3.3.1, above;
2. is conducted within a dwelling solely by the person(s) occupying the dwelling as a primary residence and, in addition to the residents of the premises, by not more than three additional employees;
3. does not exhibit any exterior indication of its presence, or any variation from residential appearance, except for a sign or name plate in compliance with Section 5.3;
4. a special permit for such use is granted by the Board of Appeals, subject to conditions including, but not limited to, restriction of hours of operation, maximum floor area, off-street parking, and maximum number of daily customer vehicle trips. Such special

permit shall be limited to three years, or the transfer of the property, whichever first occurs, and may be renewed by the Board of Appeals.

3.4 NONCONFORMING USES AND STRUCTURES

3.4.1 Applicability. This Zoning Ordinance shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, s. 5 at which this Ordinance, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

1. Certain changes to nonconforming uses and structures are allowed by Finding from the Building Commissioner. See the list of such authorized changes in the Building Department.

3.4.2 Nonconforming Uses. The Board of Appeals may grant a Finding to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:

1. Change or substantial extension of the use;
2. Change from one nonconforming use to another, equally detrimental or less detrimental, nonconforming use.

3.4.3 Nonconforming Structures. The Board of Appeals may grant a Finding to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals:

1. Reconstructed, extended or structurally changed;
2. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

3.4.4 Variance Required. Except as provided in subsection 5, below, the reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a variance from the Board of Appeals.

3.4.5 Nonconforming Single and Two Family Residential Structures. Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure. The following circumstances shall not be deemed to increase the nonconforming nature of said structure:

1. *Horizontal Extensions.* Horizontal extensions may be authorized by the Building Commissioner subject to the following conditions:

- a. the proposed extension follows in line with the existing nonconforming structure where such structure is encroaching on a required rear or side yard setback;
- b. the proposed extension does not encroach any further forward in a required front yard;
- c. the proposed extension complies with all other provisions of this Ordinance.

2. *Vertical Extensions.* Vertical extensions may be authorized by the Building Commissioner subject to the following conditions:

- a. reconstructed structures shall be built on the original footprint;
- b. the height restriction of the respective areas in which these structures are located will be observed.

Any other type of proposed reconstruction, extension, alteration, or change may be authorized by the Board of Appeals by a Finding, upon a determination that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

3.4.6 Abandonment or Non-Use. A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this Ordinance.

3.4.7 Catastrophe or Demolition. Any nonconforming structure may be reconstructed after a fire, explosion or other catastrophe, or after voluntary demolition, provided that such reconstruction is completed within twelve months after such catastrophe or after such voluntary demolition, and provided that the building(s) as reconstructed shall be only as great in volume or area as the original nonconforming structure and located on the original building footprint, unless a larger volume or area or a new building footprint is authorized by Finding from the Board of Appeals. Such Finding shall be obtained prior to the voluntary demolition of a nonconforming structure. The time for reconstruction may be extended by the Board of Appeals for good cause.

3.4.8 Reversion to Nonconformity. No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

4.0 DIMENSIONAL REGULATIONS

4.1 TABLE OF DIMENSIONAL REQUIREMENTS

4.1.1 Conformance. No building or structure shall be built nor shall any existing building or structure be enlarged which does not conform to the Table of Dimensional Requirements, except as may be otherwise provided.

District	Max. floor Area Ratio	Min. lot area (sq. ft.)	Min. lot area per D.U. (sq. ft.)		Min. Yard (ft.)		Min. lot frontage and lot width (ft.)	Green area open space per D.U. (sq. ft.)	Max. number stories
				Front	Side	Rear			
RES. A	NONE	7,650	7,650	25 ¹	13	20	85	NONE	2.5
RES. B									
1-3 Units	0.4	6,750	3,000	25	13	25	75	700	3
4-5 Units	0.4	6,750	4,000	25	25	25	75	700	3
6-16 units	0.5	6,750	4,500	25	25	25	75	1,000	3
17 units and up	0.5	6,750	4,500	25	25	25	75	1,000	3
RES. C	1	14,000	2,000	1/2 the height of the building but in no case less than 25			100	400	6
BUS. A²	0.75	5,000	None	15	15	15	40	None	3
BUS. B²	1.5	5,000	None	15 ³	15	20	60	None	4
BUS. C²	3.5	5,000	None	None	None	20	60	None	6
IND. A	1	None	None	25 ³	25 ³	25 ³	50	None	4
IND. B	2	None	None	25 ³	25 ³	25 ³	50	None	8

4.1.2 Notes to Table.

The Table of Dimensional Requirements does not contain any requirements for the Open Space, Planned Unit Development, Planned Unit Development 1, and Downtown Districts. See Section 8.0 for these requirements.

1. In Residence A Districts buildings shall be set back so as to conform to the average alignment of dwellings already erected on the same side of the street within three hundred feet on each side of the lot, except that no building shall be set back less than twenty-five feet and no building shall be set back more than fifty-five feet.
2. Multifamily residence and mixed use of a building are permitted within a Business A and B District with the issuance of a special permit in accordance with the standards and procedures of Section 9.4 by the Zoning Board of Appeals. Residential buildings and uses within Business A Districts obtaining special permit, as provided herein, shall conform to all requirements of Residential B Districts. Residential buildings and uses within Business B Districts obtaining special permits, as provided herein, shall conform to all the requirements of Residence C Districts. Multifamily residences and mixed use of a building are permitted within a Business C District by special permit from the Zoning Board of Appeals pursuant to Section 9.4; provided, that residential buildings and uses within a Business C District have a maximum FAR of three and five tenths, minimum lot size of forty-two thousand square feet, minimum lot area per dwelling unit of 500 sq. ft., minimum front, rear and side yards of one quarter the height of the building, minimum lot frontage and lot width of one hundred feet and minimum open space per dwelling unit of one hundred square feet. The site plans of building containing twelve units or more must be reviewed by the Planning Board.
3. Applies only to buildings hereafter constructed.
4. Notwithstanding the number of allowable stories, no residential building shall be more than sixty feet above the existing average grade; commercial buildings shall not be more than eighty feet above existing average grade. In no case shall any building exceed six stories. Any commercial building with residential housing will be subject to the six-story above-grade limitation. These amendments shall not apply to any buildings for which a permit to construct a foundation was issued prior to January 1, 1987.
5. In a Residential A and B District, no residential building, notwithstanding the number of allowable stories, shall exceed thirty five (35) feet in height, measured from the highest point of the structure to the average existing finished grade at the footprint of the building.

4.2 GENERAL REQUIREMENTS

4.2.1 Urban Renewal Use. An Urban Renewal Use is exempt from the provisions of Section

4.2.

4.2.2 Lot or Yard Areas. The lot or yard areas required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any requirements of this Ordinance.

4.2.3 Dwelling Unit Equivalents. For residential uses permitted in Residence and Business Districts which are not divided into dwelling units, each one thousand square feet of gross floor area of the building shall be considered equivalent to one dwelling unit for the purposes of computing minimum lot area and requirements.

4.2.4 Building Bulk. For any building or group on a lot, the ratio of gross floor area to lot area shall not exceed the maximum specified in The Table of Dimensional Requirements.

4.2.5 Lot Size, Area and Width. Where minimum lot requirements are established in The Table of Dimensional Requirements, no building or use shall be erected or established on any lot of lesser size.

1. *Multifamily Dwelling Units.* Where a multifamily dwelling unit provides required parking pursuant to Section 5.1 within the principal structure or within an accessory parking structure, the lot area required for one dwelling unit may be reduced by ten percent.

4.2.6 Minimum Frontage and Width. Where a minimum lot frontage and lot width is specified in The Table of Dimensional Requirements, no principal structure shall be erected on any part of a lot which has a width less than is specified in said Table.

4.2.7 Open Space. Every lot in a Residence B and C Districts shall include usable open space having not less than the minimum area for each residence district as specified in The Table of Dimensional Requirements.

1. *Minimum Dimension for Eligible Open Space.* Open space shall be deemed eligible for calculating the open space requirement as specified above only if each dimension is at least five feet.

2. *Patios and Balconies.* The minimum requirement for open space per each dwelling unit in Residence C District having a patio or exterior balcony may be reduced by fifty percent of the total area of such balcony, but in no case more than fifty square feet.

4.2.8 Fences and Hedges. Fences shall not be higher than six (6) feet. Fences and hedges shall not be higher than three (3) feet within ten (10) feet of the front lot line.

4.3 YARDS

4.3.1 Urban Renewal Use. An Urban Renewal Use is exempt from the provisions of Section 4.3.

4.3.2 Minimum Requirements. Where a minimum front, side and rear yard is specified in The Table of Dimensional Requirements, an open area of at least the specified dimensions shall be provided between the front, side and rear lot lines and the nearest point of any building or structure except as may be permitted hereafter. Every part of the required yard shall be open to the sky and unobstructed except for the ordinary projection of the belt courses, sills, skylights and ornamental features projecting from the building not more than twelve inches, and or cornices and gutters projecting from the building not more than twenty four inches. Awnings, arbors, and fences shall not be considered obstructions when located within a required yard.

4.3.3 Appurtenances Projecting into Yards. Projecting eaves, chimneys, bay window, balconies, open fire escapes and like projections which do not project more than three feet, and unenclosed steps, unroofed porches and the like which do not project more than six feet beyond the line of the foundation wall and which are not over four feet above the average level of the adjoining ground, may extend into the minimum yard otherwise required for the district in which the structure is built.

4.3.4 Certain Structures. Swimming pools shall be considered structures for the purpose of compliance with minimum yard requirements and shall otherwise be regulated by the State Building Code. Laundry drying equipment shall not be allowed within any required yard or in front of the principal structure..

4.3.5 Front Yard Requirements for Lots Abutting More Than One Street. On lots abutting streets on more than one side, the front yard requirements of each of the abutting streets shall apply regardless of designated front lot lines. The remaining sides shall be subject to side yard requirements.

4.3.6 Exceptions to Yard Regulations.

1. *Residence A District.* In a Residence A District, for lots less than seventy-five feet in width at the time of the enactment of the ordinance, the sum of the width of both side yards for a single family dwelling may be reduced by one foot for each five feet that the lot is less than seventy five feet in width. In no case shall any side yard be less than ten feet.

2. *Residence B District.* In a Residence B District, for a multifamily dwelling of between four units and sixteen units, no side yard shall be less than fifteen feet. For a multifamily dwelling in excess of sixteen units, each side yard shall be not less than twenty feet.

3. *Wall.* Where a wall of a building is not parallel with its corresponding lot line, the average width or depth of any yard or setback shall not be less than the dimension

specified in the Table of Dimensional Requirements for the required width or depth; provided, that said yard or setback shall not be less at any point than three fourths the required width or depth.

4.4 SPECIAL REQUIREMENTS

4.4.1 Urban Renewal Use. An Urban Renewal Use is exempt from the provisions of Section 4.4.

4.4.2 Exceptions to Height Requirements. The provisions of this Ordinance governing the height of buildings and structures in all districts shall not apply to chimneys, water towers, air conditioning equipment, elevator bulkheads, skylights, ventilators and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy; provided, that these features are located or screened so as to be not visible from any point on grade within five hundred feet of a lot line of a building so equipped; nor to domes, towers, or spires above buildings if such features are not used for human occupancy; nor to wireless or broadcasting towers and other like unenclosed structures; nor to accessory parking facilities completely located under ground level.

4.4.3 Certain Districts Abutting Residence Districts. In a Business or Industrial District which abuts a Residence District at a street lot line, the front yard of the Residence District shall apply to any building constructed within a distance of one hundred feet from the Residence District boundary line along said street lot line except where such building is separated by a street from the Residence District.

SECTION 5.0 GENERAL REGULATIONS

5.1 OFF-STREET PARKING

5.1.1 Location. Required off-street parking facilities shall be provided on the same lot as the principal use they are required to service, with the following exceptions:

1. In the case of multifamily apartments having more than sixteen dwelling units, the required parking facilities may be provided on lots any part of which is not more than five hundred feet away from an entrance to the building to be served.
2. In Industrial A and B Districts, and in the case of Institutional Uses in any district, the required parking facilities may be provided on lots not more than one thousand feet away from an entrance to the building to be served.
3. In the case of a dormitory of a nonprofit educational institution, the required parking facilities may be provided on lots not more than one thousand feet away, measured along a walkway, from the dormitory to be served.
4. In Business B and C Districts, the required parking facilities may be provided on lots any part of which is three hundred feet away from the building to be served.

5.1.2 Ownership or Control. Off-street parking facilities shall be under the same ownership or control as the building or buildings which they serve. Where a certificate of occupancy has been issued conditional to the maintenance of off-street parking facilities, such certificate of occupancy shall lapse in the event of the sale or conveyance of the land used for such parking facilities for the required parking.

1. In the case of control (not ownership), the applicant shall demonstrate that control is conclusive for the period of intended use.

5.1.3 Ownership; Two or More Buildings. Parking required for two or more buildings or used under the same ownership may be provided in combined facilities on the same or adjacent lots, subject to approval by the Planning Board pursuant to Section 9.5, where it is evident that such facilities will continue to be available for the several buildings or uses.

5.1.4 Setbacks. Parking facilities shall be at least ten feet from a street line, except that Residence A and Residence B districts shall have no setback requirement from the street line. Parking facilities in a Residence A and in a Residence B district shall be at least three feet from any other lot line, except that unenclosed parking facilities shall be at least three feet from lot lines and at least five feet from that part of a building having windows of habitable rooms. Means of egress shall not be obstructed. Parking facilities in all other districts shall be at least ten feet from any other lot line and shall be at least ten feet from any building and shall not be

located between the street line and the required setback line. In Residence A and Residence B districts, enclosed parking facilities shall not be located in a front yard.

1. Driveways/parking facilities shall not exceed, in Residence A and Residence B districts, thirty percent (30%) of the front yard setback, and in no event shall exceed twenty (20) feet in width. Parking facilities in said districts shall not exceed forty percent (40%) of the rear yard.

5.1.5 Prohibited Uses. Parking areas shall not be used for automobile sales, gasoline sales, dead storage, repair work, dismantling or servicing of any kind.

5.1.6 Lighting. Lighting for parking facilities shall be installed in a manner that will prevent direct light from shining onto any street or adjacent property.

5.1.7 Parking Space Requirements. Buildings and uses in existence prior to the effective date of this Ordinance shall not be subject to the requirements stated herein. All other buildings and uses shall comply with the requirements of this Section.

1. *Two or More Uses.* Where a building or land area is used by two or more activities that fall into different classes of use, the facilities required shall be the sum of the requirements for the individual establishments.
2. *Required Spaces; Rounding of Fractions.* Where the computation of required parking spaces results in a fractional number, the fraction shall be counted as one.
3. *Parking Space requirements for Urban Renewal Uses.* The provisions of Section 5.1 shall not apply to parking spaces developed in connection with Urban Renewal Uses. In lieu thereof, the number of parking spaces and the design, ownership and location of parking facilities developed in connection with Urban Renewal Uses shall be reviewed by the Planning Board as part of the Certification of Consistency granted pursuant to the Urban Renewal Plan.

5.1.8 Table of Off-Street Parking Requirements. Parking shall comply with the following:

TABLE OF PARKING REQUIREMENTS						
	Residence (1,2,8)	Assembly (3,4)	Institution (5,6,7)	Retail	Office	Factory and Warehouse
	Minimum number spaces per dwelling unit	Number of seats requiring one space	Number of square feet of gross floor area requiring one space, by type of use			

Residence A	2 per dwelling with 1-2 bedrooms 3 per dwelling with 3-4 bedrooms 4 per dwelling with 5 or more bedrooms	5	600	-	-	-
Residence B	1.75 per 1.0	5	600	-	-	-
Residence C	1.75 per 1.0	8	1,000	-	-	-
Business A	1.5 per 1.0	4	1,000	200	300	-
Business B	1.5 per 1.0	4	1000	200	300	
Business C	1.5 per 1.0	4	2,000	400	600	-
Industrial A	-	10	1000	500	500	2000
Industrial B	-	10	1000	500	500	2000
Marina	.50 per approved slip and/or mooring					

5.1.9 Notes to Table of Off-Street Parking Requirements. *For parking requirements in the Quincy Center Districts and the Planned Development Districts, see Section 8.0.*

1. One space for each sleeping room in a boarding house, lodging house, Bed and Breakfast, or motel.
2. One space for each two sleeping rooms in a hotel.
3. Place of public assembly including school and church auditoriums but excluding places of worship, where no fixed seats are utilized, each twenty square feet of public floor area shall equal one seat.
4. Bowling alleys shall provide four spaces for each alley.
5. Institutions shall include public and private schools, colleges and all institutional uses listed in the Table of Use Regulations. Schools intended primarily for children under sixteen years of age need not provide more than one half the requirements specified in the above table. Where an institution provides dormitory residence accommodations, the number of parking spaces furnished for that purpose may be deducted from the

requirements established for the educational buildings normally used by students in residence.

6. Hospitals shall provide one space for each two and one half patient beds.
7. Nursing or convalescent homes primarily providing long term custodial care for patients, need not provide more than one space for each five patient beds.
8. In Residence B and C Districts, the parking requirements for two family and multifamily dwellings shall be increased by one fourth parking space per dwelling unit for guest parking. Guest parking must be clearly marked or striped to the satisfaction of the Building Commissioner.

5.1.10 Driveway Grades. No permit shall be issued to construct a two-family or multifamily dwelling in Residence B or C Districts showing a proposed driveway or access way with a grade exceeding ten percent or less than one half of one percent. Transition from one grade to another shall be accomplished by means of a vertical curve.

5.1.11 Parking Spaces. The minimum size for parking spaces shall be in accordance with the Table of Parking Dimensions; provided, however, that for parking facilities with a minimum of fifty parking spaces or more, up to ten percent of parking spaces may be allocated to compact car parking with minimum dimensions of eight and five tenths feet by seventeen feet.

TABLE OF PARKING DIMENSIONS

TYPE OF PARKING	REQUIREMENTS
Ninety Degree Parking four-foot turning radius.	Nine feet wide. Eighteen feet long with a twenty-
Parallel Parking foot turning radius.	Eight feet wide, twenty-two feet long with a twenty-
Forty-five Degree Parking two-foot turning radius.	Nine feet wide, nineteen feet deep with a twenty-
Sixty Degree Parking foot turning radius.	Nine feet wide, twenty feet deep with a twenty-two-

5.1.12 Construction. Required off-street parking facilities may be enclosed in a structure or may be open. Parking facilities shall be graded, surfaced with tar, asphalt, concrete or other nondusting paving, drained and suitably maintained to the extent necessary to avoid the nuisance of dust, erosion or excessive water flow onto public ways or adjoining property.

5.1.13 Landscaping Requirements for Parking Areas. Parking facilities for more than five automobiles shall be screened, except as limited by Section 6.3, by plantings which shall be maintained in a healthy growing condition. Such plantings shall not be less than two and one-half feet in height and shall not be less than fifty percent opaque when viewed from directly in front.

5.1.14 Paving Permit. No part of any yard or premises shall be paved or repaved for parking facilities unless a paving permit is first issued by the Director of Inspectional Services.

1. *Permit application.* Application for a paving permit shall be made to the Department of Inspectional Services and shall include a plan to be approved by the Director of Inspectional Services showing:

- a.. The dimension of each side of the lot.
- b. The boundaries, with dimensions, of existing and proposed paving on the lot and the location and dimensions of parking spaces.
- c. The location and dimensions of any buildings or other structures on the lot.
- d. The nature of the paving material or materials to be used and the nature of adjacent ground cover.
- e. A landscape plan, if requested by the Director of Inspectional Services.
- f. A drainage plan, if requested by the Director of Inspectional Services.

2. *Permit issuance.* The paving permit shall identify the property upon which the paving is to be done and describe the specific area which is to be paved and the type of surface to be used. The paving permit shall be posted in a conspicuous location on the lot during the paving operation. No paving permit shall be issued to place new paving, or paving expansion, unless all parking and access facilities on the property and the construction thereof meet the standards of this section of the Quincy Municipal Code.

3. *Nonconforming paving.* A paving permit may be issued to reconstruct a driveway/parking facility which legally exists at the time of adoption of this provision. When such paving, or any portion thereof, can feasibly be done in greater conformity with the zoning ordinance in the opinion of the Director of Inspectional Services, the Director shall so require in any paving permit. In determining such feasibility, the following provisions shall apply:

- a. The reconstruction shall not increase or extend any existing nonconformity;

- b. The reconstruction shall not cause or permit a change in the occupancy or use of the property; and
- c. The reconstruction shall not increase the number of parking spaces provided on the property.

5.1.15 Paving Contractor Licensing. Any contractor engaging in the installation of any paving of a yard or premises as defined within this section of the Quincy Municipal Code must register with the Director of Inspectional Services and be licensed by the city to provide such services within the geographic boundaries of the city. The fee for such license shall be established at \$50.00 per annum.

1. Each such contractor shall be provided with a copy of the City of Quincy Municipal Code governing paving and parking facilities at the time of licensing, Each such contractor shall have an affirmative obligation to provide a copy of their license to any prospective client within the City of Quincy and to provide services as defined within the provisions and limitations of the Municipal Code governing paving and parking facilities.
2. No paving of any yard or premises shall be permitted in any residential zone except between the hours of 8:00AM and 5:00PM Monday thru Saturday
3. *Violations:* Any contractor who violates any provision of this ordinance shall be liable for a fine of \$100.00 per offense each day to be considered a separate offense and shall be liable for any costs entailed to correct any violation of the provisions established- by this ordinance.
4. *Enforcement:* For the purpose of this section, the Director of Inspectional Services, local building inspectors, the Code Enforcement Officer, or Quincy Police shall have enforcement authority.

5.1.16 Paving of Yards. Except when required for facilities to serve a resident governed by the Architectural Access Board under 521 CMR 1.00, et seq., the amount of paving in a front yard shall not exceed in Residence A and Residence B districts thirty percent (30%) of the front yard setback. The amount of paving in a rear yard shall not exceed in Residence A and Residence B districts forty percent (40%) of the rear yard. Any paving in the front yards of any property in Residence A and Residence B districts, except for the paving of walkways not to exceed forty-eight inches in width, regardless of whether such paved area is to be used as driveway/parking facility, shall require a permit in accordance with the provisions of Section 5.1.14, and shall be graded, drained and suitably maintained to the extent necessary to avoid the nuisances of dust, erosion or excessive water flow onto public ways or adjoining property.

5.1.17 Special Permit. These off-street parking requirements under Section 5.1 may be varied by the Planning Board as per Section 9.4 by the grant of a special permit upon a finding that substantial detriment will not result.

5.2 LOADING FACILITIES

5.2.1 Requirements. Each required loading bay shall be no less than ten feet in width, forty feet in length, and fourteen feet in height, such requirements to be exclusive of drives and maneuvering space, and all required bays, drives and maneuvering space shall be located entirely on the lot with immediate and direct ingress to the building intended to be served.

1. A bay need not be enclosed in a structure; provided, any yard used as a loading bay shall not infringe on front, side and rear yard requirements as indicated in Section 4.0.
2. All such facilities shall be designed with appropriate means of vehicular access to a street as well as maneuvering area.
3. Where a building or land area is used by two or more activities that fall into different classes of use under the Table of Loading Requirements, the facilities required shall be the sum of the requirements for the individual establishments.
4. Where the computation of required loading bays results in a fractional number, only the fraction of one-half or more shall be counted as one.
5. *Loading Facility Requirements for Urban Renewal Uses.* The provisions of Section 5.2 shall not apply to loading facilities developed in connection with Urban Renewal Uses. In lieu thereof, the number of loading bays and the design, ownership and location of loading facilities developed in connection with Urban Renewal Uses shall be reviewed by the Planning Board as part of a Certification of Consistency granted pursuant to the Urban Renewal Plan.

Number of Loading Bays Required By Gross Floor Area Structures			
	5,000 - 15,000 sq. ft.	15,001 - 30,000 sq. ft.	Each additional 15,000 sq. ft.
Retail Trade	1	2	1
Consumer services	1	2	1
Wholesale and jobbing establishments	1	2	1
Warehouses	1	2	1
	8,000 - 20,000 sq. ft	Each additional 50,000 sq. ft.	
Office buildings	1	1	
Hotels and motels	1	1	
Restaurants	1	1	

Manufacturing	1	1	
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5.2.2 Proximity to Residence Districts. Required off-street loading bays may be enclosed in a structure and must be so enclosed if located within one hundred feet of a Residence District where the use involves regular night operation, such as that of a bakery, restaurant, hotel or similar uses. Any lighting provided shall be installed in a manner that will prevent direct light from shining onto any street or adjacent property.

5.2.3 Accessory Driveways. All accessory driveways and entranceways shall be graded, surfaced, drained and maintained to the extent necessary to avoid nuisances of dust, erosion or excessive water flow across public ways.

5.2.4 Serving Two or More Facilities. Required off-street loading space may be provided by facilities designed to serve jointly two or more buildings on adjoining lots; provided, that the number of berths in such joint facilities is not less than the number required for the total combined floor area of such buildings under the Table of Loading Requirements.

5.2.5 Reduction in Size. Loading facilities shall not be reduced in total extent or usability after their installation, except when such reduction is in conformity with the requirements of this Section.

5.2.6 Special Permit. These loading requirements under Section 5.2 may be varied by the Planning Board as per Section 9.4 by the grant of a special permit upon a finding that substantial detriment will not result.

5.3 SIGNS

5.3.1 Definitions. See Section 10.0, definition of “Sign”.

5.3.2 Applicability. The Section 5.3 shall apply to all signs and their supporting devices, including signs located in the Historic Commercial Districts. Signs in the Historic District will require an additional approval by the Historic District Commission. Unless exempted below, all permanent signs require a permit.

5.3.3 Exemptions. The following signs are exempt from the permit requirements of this Section 5.3:

1. Signs with a size of two (2) square feet or less, except if such sign conflicts with the location, number of signs allowed or other requirements specified in this Section 5.3.
2. Public safety devices or signs erected by government agencies for the safety and direction of the public.

3. The provisions of Section 5.3 shall not apply to signs provided in connection with Urban Renewal Uses. In lieu thereof, the location, size, design and installation of signs developed in connection with Urban Renewal Uses shall be reviewed for approval by the Planning Board as part of a Certification of Consistency granted pursuant to the Urban Renewal Plan.

5.3.4 Prohibited Signs; Performance Standards. The following signs are prohibited:

1. Any sign which may be confused with or construed as a public safety device or sign or traffic light, either because of its color, shape or design.
2. Any sign which indicates a business, activity, trade, product or service no longer conducted on the premises on which the sign is located or any related frame, structure, or mounting device.
3. Any sign which incorporates moving, flashing, animated or intermittent lighting, excluding public service signs such as those that specifically display time and temperature.
4. Any sign which obstructs any door, window or fire escape of a building or poses a danger to building occupants or pedestrians.

5.3.5 Prohibited Signs; By Type. The following types of signs are prohibited:

1. Animated sign;
2. Outdoor easel signs;
3. Projecting signs. Those projecting signs still remaining at the time of the adoption of this revised Section 5.3 shall be ordered to be removed within one year of the effective date of this revision. If the owners or landlords of such signs are able to produce a valid sign permit issued by the Department of Inspectional Services for such signs, then they will have two years from the adoption of this Section 5.3 to remove them. The responsibility for removing such signs shall fall upon either the store or business owner if they are the sign owner of record; if not, it will be the responsibility of the property owner to remove the sign(s). The permit fee for the removal or replacement of projecting signs will be waived during the two year period mentioned above. When the projecting signs are removed, it is not necessary to replace them with any other of the permitted types of signs in this Section 5.3.
4. Off-premises sign. The construction of new off-premises signs, including billboards, is prohibited throughout the City and the City may not issue permits for their construction or relocation. No use variance shall be granted to vary this provision.

5. Portable sign;
6. Revolving sign;
7. Outdoor sandwich board sign;
8. Signs mimicking the appearance or copy of traffic signs or signals. Any sign which imitates an official traffic signal or uses the words "stop", "look", "danger", "go slow", "caution" or "warning" is prohibited.
9. Under canopy sign;
10. Under marquee sign.

5.3.6 Signs Authorized by Special Permit. The following signs may be authorized by special permit from the Planning Board:

1. Permanent wind signs such as banners, pennants, spinners, streamers or other wind-activated signs.
2. Signs, such as a mural, painted or mounted. directly upon the exterior surface of any wall.
3. Signs constructed or maintained upon the roof of any building.
4. Changeable sign with rotating messages on a scheduled basis.
5. Neon signs.

5.3.7 General Sign Standards. The following standards shall apply to all signs:

1. Sign copy, including logos or symbols, may indicate the name and type of establishment, and the major product(s), goods or services offered.
2. A street or mailing address must be displayed for each ground floor premise and at the main entry for multi-tenant buildings. The address sign may be erected without permit if the sign copy and/or sign panel is not greater than two (2) square feet. If the street name is included in the sign address copy, then the maximum size allowed increases to four (4) square feet.
3. All signs erected in conjunction with this Section 5.3 and requiring a building permit shall clearly display the number of said permit permanently attached to the sign as required by the State Building Code. The letters and numbers of said permit shall be no less than one (1) inch in height and shall be in a contrasting color.

4. No sign shall be mounted in a manner which may obstruct traffic, or public safety devices or signs.
5. No signs shall be affixed to trees, utility poles, fences fronting on a public right-of-way, lamp posts or any public street furniture or placed in the public right of way, except public safety devices and signs.
6. All signs shall be securely affixed to a building facade or ground structure.
7. No sign shall be mounted on or attached to or obstruct a movable door or window except as allowed in this Section 5.3.
8. All sign faces shall be parallel to the horizontal plane of the building except for allowed awning and canopy signs and marquees. All existing signs which do not conform with the provisions of this Section 5.3 shall be removed or brought into compliance within thirty (30) days of the property owner being notified by the Department of Inspectional Services that a sign is non-compliant.
9. *Copy.* No copy lettering is to be larger than two (2) feet in height, unless it is individual channel set lettering or graphics which may be a maximum of three (3) feet high. Where individual letters, symbols, messages, or designs are attached to or painted on a building face, or window, the area shall be the smallest imaginary rectangle, circle, square or other geometric shape, which encompasses and fully contains the extremities of all copy and graphics.
10. All appurtenances shall meet the requirements of the State Building Code.

5.3.8 Specific Types of Signs; Standards.

1. *Awning Signs.* May be the following:
 - a. Retractable/Non-Rigid/Crank-out. Shall extend no more than 72 inches from the front of the building if used as a sign; otherwise consult State Building Code 780 CMR. Sign copy is permitted on the slope, side or front fascia of the awning. Copy may include the type of services offered or the name of the business or establishment. If a business also has a storefront sign, the name of the business is allowed on the front slope or side valances of the awning. The front valance may not repeat any of the same sign copy that is on the storefront sign. Sign copy may be affixed by epoxy or other gluing agent or painted on.
 - b. Non-Retractable/Rigid/Permanent. Shall extend no more than 48 inches from the front of the building if used as a sign: otherwise consult State Building Code 780 CMR. Sign copy is permitted on the front or side fascia. Copy may include the

type of services offered or the name of the business or establishment. If a business also has a storefront sign, the name of the business is allowed on the front slope or side valances of the awning. The front valance may not repeat any of the same sign copy that is on the storefront sign. This type of owning may be lit by electric/neon/gas light. (See back-lit awning) Sign copy may be either painted on or affixed to the awning.

2. *Banner Signs.* All banner signs are to be considered temporary signs, and a permanent structure shall be allowed only by Special Permit from the Planning Board, with approval of the understructure by the Department of Inspectional Services.

3. *Canopy Sign.* The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light, similar to a Marquee. If used as a sign, it may project no more than six feet from the front of the building. If a business also has a storefront sign, the name of the business is allowed on the front slope or side valances of the canopy. The front valance may not repeat any of the same sign copy that is on the storefront sign. Canopies used as physical shelters, such as at gas stations, may be larger than set forth above and may contain sign copy on the sign belt. For further information, see the State Building Code.

4. *Changeable Sign.* A changeable shall not be construed to be an animated sign. Such sign is allowed as long as the content does not change on a scheduled basis such as a flashing, programmed or other continuous movement sign. The message copy must remain stationary.

5. *Commercial Outdoor Advertising Sign.* This type of sign requires a state permit and is also referred to as a billboard sign.

6. *Mural.* Murals, whether used for business advertising or as an art display, will require the proponent to obtain a Special Permit from the Planning Board.

7. *Signs of Religious Institutions.* Churches, synagogues, mosques, temples and other religious buildings may have two signs, one on each street frontage should that be the case. One sign may be a maximum of twenty square feet and the other a maximum of ten square feet. One sign may be a standing or bulletin board sign used for notices and announcements of events at the institution.

8. *Signs for Membership Clubs, Funeral Homes, Community Buildings, Extended Care Facilities.* Each of these may have two signs. One may be a maximum of thirty square feet and the other a maximum of ten square feet. If one of the signs is a ground sign on a lawn or frontage area it must be set back no less than half the distance of the frontage.

9. *Roof Sign.* Roof signs are not allowed in the City of Quincy. Mansard facades, pent eaves, and architectural projections shall not be considered to be roof signs. The only

exception for a roof sign is if its building has no sign band as part of the structure and as such is a hardship and said building meets five of the criteria to be located in an arterial/commercial district and proponent receives permit from the Planning Board.

10. *Illuminated Sign.* Signs shall be illuminated by steady, stationary, shielded light sources directed solely to the sign or internal to it. They shall not cause glare for motorists, pedestrians or neighboring premises. Such signs shall be turned off at night, one half hour after the last employee leaves the premises.

11. *Temporary Sign.* The design and location of temporary signs and banners must receive a permit from the Department of Inspectional Services before put in place. The date for removal shall be noted by the Department of Inspectional Services when it approves the temporary sign or banner desired by the businesses owner. That owner will clearly post the date of expiration of that temporary sign or banner on the back or side of it so that the Inspector can clearly see the date upon a site visit. Not more than one (1) temporary sign per window shall be allowed at one time per business. Temporary signs shall cover no more than fifteen (15) % of the total window space per window. The following limits shall apply to the following types of temporary signs and displays:

- a. Festivals and Special Events, 30 Day maximum
- b. Grand Openings, 60 day maximum
- c. Identification Sign (while permanent sign being made) must meet City good repair and safety standard definition, 60 day maximum
- d. New Product or Service, 30 day maximum
- e. Promotional Sales, 30 day maximum

12. *Political Signs.*

- a. No political signs may be affixed to any public property including utility poles, city trees, bushes, shrubs, fences, lamp posts, mailboxes, or any public street furniture. In the case of such violations, the Department of Public Works or other appropriate city department may remove such violating signs and be held harmless in doing so.
- b. All political signs located on private property shall be installed only with the permission of the property owner(s).

13. (Reserved)

14. *City or Nonprofit Signs.* Temporary signs or banners used by the City or for a nonprofit corporation for holidays, public demonstrations or promotions of civic welfare or charitable purposes or civic events shall be exempt from these regulations as long as

they meet safety considerations as determined by the Department of Inspectional Services.

15. *Real Estate Signs.* For Sale or For Lease Signs on commercial property must be in accordance with the provisions of this Section.

16. *Signs on Businesses and Storefronts Without Windows.* Up to a maximum of twenty-five (25) % or fifty (50) square feet is allowed for main signage per the current sign code. For example, a storefront of 10' x 50' = 500 square feet x 25% = 125 square feet for the main sign which would still be allowed a maximum of 50 square feet for the largest main sign. For storefronts without windows, using the above, example, the 500 feet minus the 50 square foot maximum leaves 450 square feet allowed for additional signs for a store or business with no windows. With no windows, a store or business may then have additional signs equal to ten (10) % of the remaining space. In the example given, then, 45 more square feet of signs would be allowed for additional exterior signs. It could be either one sign of 45 square feet or two secondary wall signs of 22.5 square feet for example.

17. *Business Parking Area Signs.* Where a business or store has its own private parking lot, a sign or sign may be erected to alert the general visitor that the parking space(s) are reserved for that business's use only. These signs may be handled in two ways: by individual signs at each designated parking space or by one large wall sign which is meant to be read by all potential parkers. For individual spaces, a sign with a maximum size of twelve by eighteen inches is allowed per space, such sign either wall mounted or in a free standing mounting, such as found in a parking meter. For one large wall sign, the amount of space allowed is for one. (1) square foot of sign per parking space to a maximum of fifty (50) square feet.

18. *Supermarket Temporary Paper Signs.* Supermarkets may have the following temporary paper signs per each window:

- a. A sign or signs of any dimension and shape which comprise no more than sixty (60) percent of the total area of each window is allowed. In each window, supermarkets will be permitted to use the largest paper sign or combination of signs which comes closest to but does not exceed sixty (60) percent of the total window surface. However, they must still remain within the total allowable sign area permitted for the building.

19. *Signs for Businesses with More than One Main Entrance.* Where a business has more than one main entrance (a regular facade or doorway for the use of the general public or specific customers to enter to do business at that establishment, but not incidental side door, employee entrance, or a casual rear entrance), the business owner may erect another "main business sign" at the other main entrance as long as the business follows the general rules and size guidelines for main business signs.

20. *Signs for Businesses with Rear Wall(s) Facing Arterial Roadways/State Highways/Public Parking Lots/Public Ways.* Where a businesses is located in such a way that the rear or side of their businesses face state highways, major arterial roadways, public parking lots, or public ways, such business shall be permittted to install signs that meet the requirements of this Section 5.3 on said facades. Businesses wishing to apply for such signs must obtain a Special Permit from the Zoning Board of Appeals.

5.3.9 Special Regulations; Contiguous Commercial Areas. Contiguous commercial areas are those characterized by a majority of the buildings having (1) continuous building fronts or continuous frontage from lot line to lot line; and (2) zero lot lines for the primary facade; and (3) a pedestrian orientation, that is, buildings which have entrances directly on a public way. Signs shall, wherever possible, be mounted so as to either hide the supporting structure, or incorporate the mounting device or structure into the overall design of the sign. Within a contiguous commercial area, the following permanent ground floor, wall and freestanding signs, and upper floor signs are allowed by right or by special permit, as set forth herein:

1. *Ground Floor Sign.* In addition to the main sign, no more than two permanent business name signs may be erected on the premises to which it (they) pertain. It (they) shall be located so as to leave visible all major architectural features of the storefront. The sign panel(s) shall fit within the framing elements of that portion of the storefront to which it (they) is (are) attached. Signs shall be designed to be compatible in scale, proportion and materials with the storefront. The sign copy shall cover no more than seventy (70) percent of the sign panel.
2. *Window Sign.* Permanent window signs may be affixed to, painted on or hung inside storefront display windows. Those hung inside shall be composed only of permanent type materials, that is, they shall not be made from paper or cardboard products, but rather of regular durable sign materials such as glass, Signage tubing, neon tubing, metal, plastic or other such materials. (Also see Temporary Signs.)
 - a. For safety purposes and security reasons, signs should be located so that visibility into the interior is unobstructed.
 - b. Sign copy, panels and backgrounds may cover no more than twenty-five (25) percent of the total glass area of display windows.
3. *Door Sign.* Door signs may be painted on glass doors or affixed to or painted on solid doors. Door signs on glass doors may not obscure visibility into or out of the door and may cover no more than ten (10) percent of the glass area. Door signs on solid doors may cover no more than fifteen (15) percent of the door surface.
4. *Entry Sign.* In cases where the entry to a ground or upper floor premises is set back at least two (2) feet from the plane of the facade, a sign may be hung above the doorway

provided it meets appropriate building code and safety standards, the bottom of the sign is a minimum of seven (7) feet above the sidewalk, and it is no larger than four (4) square feet.

5. *Ground Sign.* Within Historic Commercial Districts, no ground sign is allowed except:

- a. Where the principal facade of the building is set back from the property line at least ten (10) feet; and
- b. The design of the sign has been approved by the Quincy Historic District Commission.

6. *Other Ground Signs.* Within other commercial districts covered by this subsection, ground signs are allowed if:

- a. The principal facade of the building is set back from the property line at least twenty (20) feet;
- b. The sign contains a maximum of two faces; and each face contains no more than twenty-four (24) square feet and is a maximum of eight (8) feet above the surface of the ground. Any larger sign requires a Special Permit from the Zoning Board of Appeals. In no case may the sign be higher than twenty-five (25) feet or fifty (50) square feet in size.

7. *Directory Sign.* Multi-tenant buildings shall be allowed a directory sign listing the names and/or locations of the tenants. It shall be located at the entry and affixed flat to a wall surface or be freestanding. If affixed to the wall, the tenant directory shall not exceed eight (8) square feet in area. If it is freestanding, it shall adhere to the provisions of Section 5.3 pertaining to freestanding signs. The owners of multi-story, multi-tenant buildings shall provide building identification using a building name and street number to assist pedestrians and motorists in finding the location.

8. *Awning Sign.* Awnings and canopies that extend over a public way shall be a maximum of six (6) feet in depth and must be at least one (one) foot behind a plane extending vertically from the face of the curb.

- a. Signs may be located only on the slope or valance of awnings and the fascia and returns of canopies. Sign copy or panels may cover no more than thirty (30) percent of the slope, or fifty (50) percent of the valance of awnings and no more than seventy (70) percent of canopy fascia and returns.

9. *Marquee Sign.* Marquee signs may be authorized by a special permit from the Zoning Board of Appeals. Marquee signs are not allowed in Historic Commercial Districts without the approval of the Quincy Historic District Commission.

10. *Upper Floor Sign.*

- a. Window Sign. Signs on upper floor windows shall pertain to the businesses located on upper floors of buildings. Upper floor window signs must be painted on the glass, covering no more than twenty-five (25) percent of the glass area per window opening with a letter height maximum of nine (9) inches. Signs shall be limited to two (2) per business, per floor.
- b. Wall Sign. Signs on walls are allowed. Wall signs must be designed to be compatible with the architectural character of the facade to which they are attached. Wall signs may be a maximum of fifty (50) square feet.
- c. Cornice Sign. Signs located on a building cornice must fit within the framing elements of the cornice and be designed to be compatible with the architectural character of the cornice.

11. *Multi-Story/Multi-Tenant Building Identification Signs.* Any building of four stories or higher, located in business parks or on business or contiguous commercially zoned parcels, may have: Two (2) ground or wall signs of permitted size within the permissible setbacks; One (1) directory sign of permitted size listing tenants and retail or commercial users; One (1) entry sign, if building entry is recessed; and one (1) address sign.

- a. Signs mounted upon the upper fascia of such buildings must be horizontal to the building face and be located within some architectural element of the building constructed to accommodate such signs. No roof signs shall be permitted. The total amount of Signage allowed upon a face of any such building shall not exceed twenty-five (25) percent of the total area of the face of the building or seventy-five (75) square feet whichever is smaller.
- b. No ground or wall sign on a multi-story building shall exceed seventy-five (75) square feet in total area, nor shall it exceed twenty-five feet (25) in overall height. The copy on any such ground sign shall be twenty-four (24) inches above grade level. No more than one ground sign visible to the major artery or streetfront shall be permitted. The ground sign shall contain the name and address of the building or user. One ground sign visible to the road or motorist and pedestrian at the entryway which provides direct access to the property shall be permitted provided that it is no larger than fifty (50) square feet and no more than twenty (20) feet in total height. The copy on any such ground sign shall be no less than twenty-four (24) inches above grade level. The total of all ground signs visible to arteries and access roads shall not exceed one hundred and fifty (150) square feet. In the case

of a building, such as a hotel, other outside signs designating parking, lobby, pickup and delivery areas, function room entries, health clubs and so forth shall be permitted as such design is submitted to the Planning Board.

- c. Signs located inside such buildings will not be subject to this Section 5.3, but they will be subject to all other applicable regulations as enforced by the Department of Inspectional Services.

12. *New Construction or Alteration of Existing Building Facades.* When a permanent sign is to be erected in conjunction with a newly constructed building, the design and location of the signs and sign panels shall be considered an integral part of the facade design.

- a. When a building is undergoing exterior alterations to its facade, the design and location of the signs and sign panels shall be considered an integral part of the facade design.
- b. All new and altered buildings intended for retail and/or commercial use shall provide appropriate storefront sign bands and other appropriate facade areas to allow for the safe, re-usable and proper installation of signs in conformance with requirements of this Section.

5.3.10 Design Standards; Contiguous Commercial Areas. The following design standards shall apply in contiguous commercial areas and supersede all other requirements:

1. *Sign Copy.* Permanent business name signs covered in this Section may contain the following information: The name of the establishment and/or identification of the primary product or service; appropriate symbols, slogans or logos may be used.

- a. A trademark may be used where its coverage of the sign panel does not constitute more than twenty-five (25) percent of the total sign panel.
- b. The same sign copy, slogan, logo, symbol or trademark shall not be repeated on a single sign panel or series of panels on the same or similar architectural element unless it is repeated ordinarily as part of the usual business identification, or unless it contributes to the overall design of the facade.
- c. Signs for businesses above the ground floor are to be used for on-premises identification purposes only, and may include the business name and that of the primary product or service provided.

2. *Number of Signs.* Each ground floor business establishment shall be allowed a maximum of three (3) business name signs as follows: one (1) storefront, wall, awning or window sign which is meant to be the main name sign for the business; two (2) additional

signs of the following types may also be mounted by the establishment: awning, sign belt, box, ground, freestanding, canopy, flag, V, window, door, entry, directory, product, logo, time/temperature, changeable, electronic, electronic message, business hours/goods/services sign.

- a. Whatever combination of the above sign styles a business establishment chooses to use, all signs must conform to the size, materials and copy requirements of this Section 5.3.
- b. A maximum of two (2) temporary signs per business establishment shall be allowed. Those signs shall conform to the rules for temporary signs.

3. *Size of Signs.* Signs covered in this Section shall be regulated according to the size of the sign copy and the panel or size requirements established in previous Sections. Where no constraining architectural features otherwise exist, the maximum sign copy or sign panel area shall be twenty-five percent of the building facade area.

5.3.11 Special Regulations; Commercial Arterial Areas. Commercial arterial areas are highway-type establishments, set back on what is called an arterial roadway. An arterial roadway is normally one which is characterized by having at least four (4) lanes of two way traffic, generally with a street width of at least sixty (60) feet. Such areas generally possess the following attributes: (1) a deep set back from the property line, usually at least twenty (20) feet; and (2) a highway orientation with provision for on-premises, off-street parking, generally for a minimum of cars; and (3) buildings on these ways are usually free-standing, that is, they are generally separated from each other and not physically connected with lot lines normally allowing for space between the individual buildings; and (4) building frontage on a commercial arterial way normally does not extend fully to the edges of the entire lot frontage. Signs in commercial arterial areas shall conform to all of the other sign regulations for the entire City as previously listed in this Section 5.3 except as may be superseded below:

1. *For a Single Business Located in One Building on a Lot:*

- a. One (1) free-standing sign, (ground, pole or like type sign) per building, such sign set back a minimum of six (6) feet from the property line. Such free-standing sign may have a maximum of two (2) faces. No free-standing sign on a building shall exceed seventy-five (75) square feet in total area, nor shall it exceed twenty-five feet (25) in overall height from the top of the sign to the pavement. The copy on any such sign shall be a minimum of twenty-four (24) inches above grade level. No more than one ground sign visible to the major artery is allowed. Each single business may have up to three (3) additional other signs (from the approved list) affixed directly to the building. If the business chooses not to erect a freestanding sign, it shall however be limited to the maximum of three (3) signs referred to above.

2. For Multiple Businesses Located in One Building:

- a. One (1) free-standing sign, (ground, pole or like type sign) per building. Such free-standing sign may have a maximum of two(2) faces. No free-standing sign on a building shall exceed seventy-five (75) square feet in total area, nor shall it exceed twenty-five feet (25) in overall height from the top of the sign to the pavement. The copy on any such sign shall be a minimum of twenty-four (24) inches above grade level. No more than one ground sign visible to the major artery is allowed. Each individual business may have its own recognition on the pole sign.
- b. Each individual business may also affix up to the three (3) signs (from the approved list) allowed in commercial contiguous areas, however, these businesses being located in the same physical building must have the same type of sign design for the entire building structure. All signs on the main building sign band or comparable architectural feature must be of the same type. The determination of the main sign. type on such buildings will be the decision of the building owner/landlord.

3. For Multiple Businesses Located in More than One Building:

- a. One (1) free-standing sign, (ground, pole or like type sign) per business center. Such free standing sign may have a maximum of two (2) faces. No free-standing sign on a building shall exceed seventy-five (75) square feet in total area, nor shall it exceed twenty-five feet (25) in overall height from the top of the sign to the pavement. The copy or any such sign shall be a minimum of twenty-four (24) inches above grade level. No more than one ground sign visible to the major artery is allowed. Each individual business may have its own recognition on the pole sign.
- b. Each individual business may also affix up to the three (3) signs (from the approved list) as allowed in commercial contiguous areas. The main sign band type allowed on each building shall be the decision of the landlord/ building owner.

5.3.12 Administration and Enforcement.

1. *Maintenance of Signs.* All signs and their appurtenances shall be kept in good repair and safe condition. Low maintenance materials shall be used for permanent signs. The surface to which the sign is affixed shall be properly maintained. It shall be repaired so as to provide a safe, structurally sound, non-eroding, non-deteriorating surface, with no loose or dangling parts. If any sign is deemed to be unsafe by the Department of Inspectional Services, it shall be repaired, or removed immediately by the property owner.

2. *Inspection.* The Department of Inspectional Services shall require compliance with the standards and conditions set forth in this Section 5.3. If a sign is found to be in noncompliance, the owner shall be so notified by the Department of Inspectional Services and the owner shall bring the sign into compliance within thirty (30) days of notification. In the case of abandoned signs, the current property owner of record shall be responsible for removing the sign.

3. *Temporary Signs.* If a business owner or landlord does not remove temporary signs as required by this Section 5.3, then the Department of Inspectional Services will issue a warning ticket to that person regarding removal. If there is no action taken by the owner or landlord to remove the sign within two (2) business days, the Department of Inspectional Services may then issue a ticket for violation of this Section 5.3 for \$50.00. If no action is taken within two (2) further business days, another ticket may be issued for \$100.00 and each day thereafter until the business is in compliance. Should there then be no action by the owner or landlord after the second ticket, the Department of Inspectional Services will be empowered to issue an 11 order to the owner or landlord for immediate removal of the temporary sign.

4. *Good Repair.* Signs shall be kept in good repair or they shall be ordered to be removed by the Department of Inspectional Services, which is the Signage Enforcement Department.

5. *Abandonment.* Any sign or any related frame, structure, or mounting device, deemed to be abandoned by the Department of Inspectional Services must be removed from the premises by the owner of the premises upon cessation of the business, activity, trade, product or service unless the sign has been declared historic by the Commonwealth of Massachusetts Historic Commission. After three (3) months, the sign and its attachments and/or appurtenances must be taken down immediately or made to blend in with the existing building facade. In the event that the owner fails to comply, the City may enter onto the Property to implement the measures set forth above. In the event the City incurs expense, the owner shall promptly reimburse the City for all reasonable expenses associated therewith; if the owner fails to so reimburse the City, the City may place a lien on the property or any improvement thereon to secure such payment.

5.3.13 Special Permit. By special permit pursuant to Section 9.4, the Planning Board may authorize signs of greater size or number than otherwise set forth in this Section 5.3, provided that such relief shall not result in substantial detriment. Signs of a different type than that otherwise allowed shall require a variance.

5.4 PERFORMANCE STANDARDS

5.4.1 Lighting. In a Residence District, no outdoor decorative or floodlighting shall be permitted except lighting primarily designed to illuminate walks, driveway, parking areas, doorways, outdoor living areas or outdoor recreational facilities, and except temporary holiday lighting, except decorative floodlighting of institutional, public or historic buildings. Any such permanent lighting shall be continuous indirect light installed in such a manner that will prevent direct light from shining onto any street or adjacent property. No neon type or exposed illuminated gas tube type light shall be allowed.

5.4.2 Fencing and Screening in the Industrial and Business Districts. In an Industrial or Business district, the outdoor storage of goods, products, materials or equipment shall, if visible at normal eye level from any point beyond the boundaries of the premises and less than five hundred feet distant, be screened from, such view. Screening, as defined herein, shall be an ornamental lattice, opaque fence, plantings or sight-obscuring screening which shall not be less than six nor more than ten feet high and not less than fifty percent opaque. Plantings shall be at least ten feet in width and contain at least two rows of alternate live deciduous and evergreen trees. Said trees shall not be more than five feet apart, shall have an original planting height of at least six feet, shall be able to attain a height of at least ten feet, and shall be maintained in a healthy growing condition by the property owner. Any existing open storage in any district shall within one year of the effective date of this Section 5.4 be properly screened or removed.

5.4.3 Screening Adjacent to Residential Districts. Where an Industrial District or Business District is located adjacent to a Residence District or a public park or playground and is not separated there from by a public way, a compact planting screen as defined in Section 5.4.2 along the property or lot line adjoining said district boundary shall be provided and maintained by the owners of said premises. Said screening shall contain no structures or parking or be devoted to any other use or purpose, and shall be maintained in a healthy growing condition by the property owner.

5.4.4 Maintenance and Replacement. Required landscaping shall be maintained in a healthy condition. In the event that such required landscaping dies, it shall be replanted forthwith or at the start of the next growing season.

5.4.5 Urban Renewal Use. An Urban Renewal Use is exempt from the provisions of Section 5.4.

SECTION 6.0 SPECIAL REGULATIONS

6.1 MOTOR VEHICLE SERVICE STATIONS

6.1.1 Dimensional Requirements. Motor vehicle service stations shall conform to the following dimensional requirements:

1. The minimum lot area shall be twelve thousand square feet.
2. The minimum frontage on a street shall be one hundred and twenty feet.
3. The maximum width of driveways and sidewalk openings measured at the street lot line shall be thirty feet and the minimum shall be twenty feet.
4. The minimum setback of any building from all street lot lines shall be forty feet.
5. The minimum setback of gasoline pumps and service appliances shall be twenty five feet from all street lines.

6.1.2 Driveways. The minimum distance of driveways measured at lot line shall be as follows:

1. From corner lot line, twenty feet.
2. From interior side of lot line, ten feet.
3. From other driveway on same lot, twenty feet.
4. No driveway to or from any filling station shall be within fifty feet (measured along the street line on that side of the street which such driveway would cross) of any public or private school, church, playground, hospital, public library or institution for dependents or children.

6.1.3 Standards. Motor vehicle service stations shall conform to the following standards:

1. All illumination shall be shielded so as to not to shine on any adjacent property.
2. All washing, lubricating and repairing shall be carried on inside the building.
3. The area of the lot not landscaped shall be graded, surfaced with asphalt or other suitable material and drained to the extent necessary to prevent nuisances of erosion or excessive waterflow across public ways.
4. Signs and other advertising devices shall conform to Section 5.3.

5. No service station shall be used for residential purposes or for the rental, sales or leasing of vehicles, trailers or other merchandise, except as may otherwise be authorized by the licensing board or City ordinance.

6. A raised curb at least six inches in height shall be constructed along all street frontage except at driveway openings.

7. Any motor vehicle service station which abuts a Residence District shall provide a strip at least five feet wide along each such abutting line, densely planted with shrubs or trees which are, at least four feet high at the time of planting and which are of a type that may be expected to form a year round opaque screen at least six feet high within three years. Such plantings shall be maintained in good condition at all times, and shall not be permitted to exceed seven feet in height. Such screening or barrier may be interrupted by normal entrances or exits, and shall have no signed or other advertising devices hung or attached thereto.

6.2 EARTH REMOVAL

6.2.1 General. No soil, loam, sand, gravel or stone shall be removed from any lot not in public use in the city without first obtaining a special permit from the Board of Appeals except as exempted herein.

1. An Urban Renewal Use is exempt from the provisions of Section 6.2.

6.2.2 Procedures. Each application for a special permit for earth removal shall be accompanied by a plan, submitted in triplicate, prepared at the expense of the applicant by a registered land surveyor or civil engineer, showing:

1. The existing contours of the land;
2. The contours after completion of the operation;
3. All public roads and private means of vehicular access;
4. Proposed drainage;
5. Any other information as may be required by the Board of Appeals, pursuant to Section 9.4.3.

6.2.3 Conditions and Restrictions. In granting a permit hereunder, the Board of Appeals may impose reasonable conditions and restrictions as it deems to be in the public interest, including, but not limited to:

1. Method of removal;

2. Type and location of temporary structures;
3. Hours of operation;
4. Operations of removal trucks;
5. Area, depth and contours of excavations;
6. Distance of excavation to street and lot lines;
7. Reestablishment of ground lands and grades;
8. Provisions for temporary and permanent drainage;
9. Disposition of boulders and tree stumps;
10. Replacement of loam over the area of removal;
11. Planting of the area to suitable cover;
12. Cleaning, repair and/or resurfacing of streets used in removal activities which have been adversely affected by the removal activity.

6.2.4 Time Limits; Performance Guarantee. No permit for removal shall be issued for a period of more than three years, although such a permit may be renewed for additional periods in the same manner. The Board of Appeals shall require a cash bond or surety company bond to insure compliance with its conditions of authorization unless in a particular case it specifically finds that such security is not warranted and so states in its decision, giving the reason for its finding.

6.2.5 Exceptions. The following activities shall be exempt from this Section 6.2:

1. The removal of less than ten cubic yards or material in the aggregate in any year from one premise;
2. The transfer of material from one part of a premises to another part of the same premises for immediate use in such other part of the premises.
3. The removal of material necessarily excavated in connection with the lawful construction of a building or structure, a sidewalk or path incidental to any such building or structure as indicated on plans and profiles prepared by a registered engineer and approved by the director of inspections, or any driveway/parking facility permitted in accordance with Section 5.1.14.

4. The removal of material necessarily excavated in, connection with the lawful construction of public or private ways as indicated on plans and profiles prepared by a registered engineer and approved by the Planning Board.

6.3 TRAFFIC VISIBILITY ACROSS CORNERS

6.3.1 General. In any district, no structure, fence or sign shall be, constructed and no vegetation shall be planted or, maintained in the plane above curb level so as to interfere with traffic visibility across a corner within that part of the lot which is within a triangle formed by the street lines and a third line joining points on the street lot lines twenty five feet from their intersection.

6.3.2 Urban Renewal Use. An Urban Renewal Use is exempt from the provisions of Section 6.3.

6.4 ADULT USES

6.4.1 Purpose. It is the purpose of this section Adult Entertainment Ordinance to address and mitigate the secondary effects of the Adult Uses and sexually oriented businesses that are referenced and defined herein. Secondary effects have been shown to include increased crime, adverse impacts on public health, adverse impacts on the business climate of the City, adverse impacts on the property values of residential and commercial properties, and adverse impacts on the quality of life in the City. All of said secondary impacts are adverse to the health, safety and general welfare of the City and its inhabitants.

1. The provisions of this Ordinance have neither the purpose nor intent of imposing a limitation on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of this Ordinance to restrict or deny access by adults to Adult Uses or to sexually oriented matter or materials that are protected by the Constitution of the United States of America or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the purpose or intent of this Ordinance to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

6.4.2 General. Adult uses may be authorized by special permit as set forth in the Table of Principal Uses. The following regulations shall apply to adult uses as defined in this Ordinance. An Urban Renewal Use is exempt from the provisions of Section 6.4.

6.4.3 Prohibition. No adult use special permit shall be issued to any person convicted of violating the provisions of G.L. c. 119, s. 63, or G.L. c. 272, s. 28.

6.4.4 Separation. No adult use shall be located within fifteen hundred linear feet of:

1. any Residential District as designated herein; or
2. any other adult use; or
3. any establishment licensed under the provisions of G.L. c. 138, s. 12.

6.5 BODY ART ESTABLISHMENTS.

6.5.1 General. Body art establishments may be authorized by special permit in the BB and BC Districts, as set forth in the Table of Principal Uses.

6.5.2 Conditions. Body art establishments shall conform with all applicable regulations of the Board of Health and ordinances of the City of Quincy.

6.6 WIRELESS COMMUNICATIONS FACILITIES (WCF)

6.6.1 Purpose. This Section is intended to make the permitting of Wireless Communications Facilities a public process that allows adequate Personal Wireless Services to be developed while contemporaneously protecting the City of Quincy's character and appearance, protecting the public safety and general welfare of the community, and minimizing any adverse impacts of such facilities. This shall be accomplished by requiring that Wireless Communications Facilities be authorized by special permit while being configured so as to minimize and mitigate adverse visual impact and by providing requirements and standards for regulation, placement, location, construction, monitoring, design, modification and removal of such Facilities.

6.6.2 Location. Wireless communications facilities may be located as set forth in the Table of Use Regulations.

6.6.3 Special Permit. No wireless communications facility shall be constructed or maintained without the issuance of a special permit by the Zoning Board of Appeals (hereafter referred to as "the Board") or the Planning Board if the wireless communications facility shall be located within the QCD 10 or QCD 15 Districts, or in accordance with the provisions of Section 9.4 and other applicable sections and subject to a determination by the Board that the proposed wireless communications facility will not cause substantial detriment to the city or the neighboring area. Said determination shall include but not be limited to consideration of the communications needs to be served by the wireless communications facility, impact on the neighborhood character, including aesthetics, impact on the natural environment, including visual impacts, impact on traffic flow and safety, potential fiscal impact including impact on city services, tax base and employment.

6.6.4 Contents of Application. Each applicant for a special permit under this section shall include in the application, at a minimum, the following information.

1. A copy of the owner's deed to the lot or parcel where a proposed facility is to be located; or evidence of the applicant's right to possession and/or control of the premises where the applicant is not the owner of record. Without limiting the foregoing, every application must be joined by a Personal Wireless Service Provider who will be an immediate user of the proposed Personal Wireless Facility;
2. A narrative description of the proposed facility including the location and identification of all components together with a statement describing the purpose of each component and its intended function together with photographs or other graphic illustrations fairly depicting the physical appearance of the proposed facility equipment when installed. Said description shall include the capacity of the facility, the number and types of antennas and the basis for the calculation of the capacity;
3. A locus plan prepared and certified by a licensed professional engineer depicting all property lines, the exact location and dimension of all components of the proposed facility including all structures, streets, easements, rights of way, landscape features, including contours, residential dwellings and all buildings within 500 feet of the proposed Facility and also elevations showing details of the installation;
4. A map showing and itemized description of all Personal Wireless Facilities currently existing within ten miles of the proposed installation and in addition those Facilities which the applicant expects to install and/or reasonably knows will be proposed or installed by itself and/or other Personal Wireless Service Providers within the next twenty four (24) months;
5. A description and copies of all federal, state and local licenses, permits or other approvals obtained by the applicant to date or to be obtained by the applicant prior to construction of the proposed Facility. This shall include an affidavit by the applicant and supporting documentation that the proposed facility complies with or is exempt from applicable regulations administered by the Federal Communications Commission, Federal Aviation Administration, Massachusetts Aeronautics Commission and the Department of Public Health;
6. A statement as to whether an Environmental assessment (EA), a Draft Environmental Impact Statement (DEIS) or Environmental Impact Statement (EIS) is or will be required under the National Environmental Protection Act or the National Historic Preservation Act, and if so, a copy of said EA, DEIS, or EIS;
7. A description in both geographic and radio frequency terms of the scope and quality of the service currently available and being provided to the City by the applicant's existing facilities, the need to be addressed by the proposed Facility, the manner in which the proposed Facility addresses the perceived needs identified;

8. A statement describing the current state of technology available to provide wireless telecommunications services, and whether any such technology is available and feasible for the purpose of addressing the perceived need described in subsection seven (7) above. Included in this statement the applicant shall address whether the most current system optimization software available has been employed so as to improve spectrum usage and capacity and whether such software might address the perceived need;

9. A description of the terms of any co-location agreements between the Applicant and any other Personal Wireless Service Provider;

10. A statement as to whether the applicant considered any alternatives to a freestanding facility including but not limited to co-locating on an existing facility and, if so, the reason(s) such alternatives are not being proposed;

11. A statement as to why there exists no feasible alternative to a free standing facility to address the need identified herein;

12. A statement as to whether the need identified herein may be adequately met by siting a facility on other property;

13. A statement from the applicant as to whether the proposed facility will have any impact on an environmentally, historically or archaeologically significant area in the vicinity of the proposed facility;

14. A description of the radio frequency testing procedures conducted by the applicant in connection with the proposed facility and the results thereof;

15. A statement setting forth the applicant's projected future needs for wireless telecommunications facilities within the City of Quincy;

16. A statement as to whether the applicant is seeking approval of co-location facilities on the proposed facility, and if so, a detailed description in compliance with the preceding subsections of all components of the co-location facility for which the applicant is seeking approval.

6.6.5 Procedures; Balloon Test. After the notice of public hearing has been published as provided by G. L. Chapter 40A, Section 11 but prior to the hearing for which notice has been given thereunder, the applicant shall, with not less than forty-eight (48) hours written notice to the Board and all immediate abutters, and owners of land directly opposite on any public or private street or way, and abutters to abutters within 300 feet of the property line of the applicants as they appear on the most recent applicable tax list, conduct a balloon test or crane test, or such other reasonable equivalent, of the height of the free standing facility and submit to the Board prior to the hearing photographic representation from a suitable number of locations (the cardinal points, N,S,E,W, as a minimum) so as to depict the visual impact of the proposed

facility on the City, the neighborhood and the abutters.

6.6.6 Independent Review. Upon receipt of an application for a special permit under this section, the Board may hire independent consultants whose services shall be paid for by the applicant for the purposes of evaluating any aspect of the proposed facility, review of the application and review of current service coverage. The applicant shall cooperate with the independent consultant selected by the Board and shall provide all information reasonably requested by the independent consultant including but not limited to radiological testing of the site in question and the surrounding area as the Board determines.

6.6.7 Criteria; Special Permit. The Board shall issue a special permit for the construction of a free standing wireless communications facility only where it finds that:

1. Existing facilities do not adequately address the need for service as determined by evidence supplied by the applicant (and through independent review, above) in accordance with these requirements.
2. There exists no feasible alternative to the proposal that would adequately address the need in a less intrusive manner, and
3. The proposed use is in harmony with the general purpose and intent of this ordinance

6.6.8 Conditions. The Board may attach to the issuance of a special permit issued hereunder such terms and conditions deemed appropriate in order to safeguard the safety and welfare of the City and to mitigate the impact of any attached or free standing facility to be constructed pursuant to a special permit issued hereunder, including, but not limited to, the following conditions:

1. New freestanding wireless communication facilities shall be limited to monopoles. No lattice towers shall be permitted. Monopoles shall be designed so as to structurally accommodate other potential users where technically practicable. No new monopole shall be erected if there is technically suitable space available on an existing monopole within the geographic area to be served. The applicant shall make accommodation and shall agree to rent or lease space on the monopole under the terms of fair-market lease, without discrimination to other Personal Wireless service Providers. Monopole height shall not exceed 100 feet above mean finished ground elevation at the base of the mounting structure, The Board may waive this height restriction, not to exceed 140 feet above mean finished ground elevation at the base of the mounting structure, to allow for co-location which will reduce the need for other facilities.
2. Wireless communications service providers shall, to the maximum extent possible co-locate on a single facility.
3. Existing on-site vegetation shall be preserved to the maximum extent practicable. The

Board may require the planning of screening vegetation around the perimeter of the proposed site and around communication equipment shelters and any other proposed buildings.

4. The wireless communication facility shall minimize to the maximum extent feasible, adverse visual effects on the environment. The Board may impose reasonable conditions to ensure this result including painting and lighting standards, landscaping and screening.

5. Any communication equipment shelter or accessory building for support of communication equipment, as well as any fencing installed to control access to it, shall be designed to be architecturally similar to and compatible with the surrounding area, and whenever feasible, structure shall be constructed underground. Accessory buildings shall be screened so as to minimize visibility from adjacent premises.

6. Antennas and related equipment on existing structures shall be camouflaged, that is, disguised, shielded, hidden or made to appear as an architectural component of the structure.

7. Facade-mounted antennas shall not extend above the face of any wall or exterior surface of the existing structure.

8. No roof mounted wireless communications equipment shall extend vertically more than 8 feet for any building up to 15 feet in height, 10 feet for any building 15 feet to 36 feet, or 12 feet for any building more than 36 feet. Such equipment shall be set back from the edge of the roof 1 foot for every foot of equipment height.

9. The area surrounding the personal wireless facility and accessory buildings shall be completely secure from trespass and vandalism. Fencing may be required to control unauthorized entry. A sign not larger than one foot square shall be posted adjacent to the entry gate/ access way to the facility indicating the name of the facility's owner and a 24-hour emergency telephone number.

10. No commercial signage or advertising shall be affixed to any wireless communication monopole.

11. Traffic associated with the wireless communication facility shall not adversely affect public ways.

6.6.9 Abandonment. Any wireless communications facility that is not operated or that is not in compliance with city ordinance for a continuous period of thirty (30) days shall be considered abandoned, and the Director of Inspectional Services may, by written notice sent by certified mail, order that such facility be removed. Upon such determination and notification all structures and equipment and any associated debris associated with the wireless communications facility shall be removed within thirty (30) days. The Board may require that the proper

dismantling and removal of such structures and equipment and the lawful disposal thereof be secured by a bond or other form of surety sufficient in the opinion of the Board to secure performance under this subsection. Such bond or other surety shall be maintained throughout the period of construction, location, operation and use of the subject wireless communications facility. The director of Inspectional services shall receive thirty (30) days advance written notice of any cancellation, non-renewal or material amendment of such bond or other surety. In the event that the posted amount does not cover the cost of such removal and disposal, the City may place a lien upon the premises covering the difference in costs.

6.6.10 Term. Unless an earlier expiration date is specified by the Board, all special permits issued under this section shall automatically expire five years from the date of issuance. Prior to the expiration the applicant may apply for successive five year renewals subject to the public hearing process. In determining whether the special permit shall be renewed, the Board may take into consideration whether there then exist any structure or technology available to the applicant which would enable the applicant to provide functionally equivalent services in a less intrusive manner. Upon expiration of a special permit that has not been renewed, the applicant shall disassemble and remove the entire facility forthwith at its expense, and any such facility not removed in its entirety within thirty (30) days of the expiration of the special permit shall be deemed abandoned within the meaning of Section 6.6.9, above.

6.6.11 Insurance. The wireless communications provider shall continuously insure its equipment and facilities against damages to persons and property in an amount established by the Board, in conjunction with the Director of Inspectional Services, based upon the nature and extent of the proposed facility. On an annual basis said provider must deliver to the Director of Inspectional Services a Certificate of Insurance, in which the City shall be listed as an additional insured.

6.6.12 Compliance with Other Laws. Monopoles, equipment, and facilities must be installed, erected, maintained and used in compliance with all applicable federal and state laws and regulations. To this end, the wireless communications provider shall monitor emissions annually and file annually with the Director of Inspectional Services a written statement with the results of such monitoring. Said statement shall indicate that the facility is in compliance with any applicable laws and government regulations including but not limited to the Federal Communications Commission and Federal Aviation Administration. In the event that said facility is not in compliance with such laws and regulations, the wireless service provider shall come into compliance within fifteen (15) days of the date of any such non-compliance or cease all wireless communication services until full compliance is attained.

6.6.13 Maintenance. All wireless communications equipment, facilities and monopoles must at all times be maintained in good and safe condition. The wireless communications provider shall arrange for a Massachusetts licensed professional structural engineer to review the wireless facility and any accessory buildings every five (5) years to certify these structures and facilities are in sound condition. A report of the engineer's findings shall be filed with the Director of Inspectional Services at the completion of construction and every five (5) years thereafter.

Should the engineer deem the facility not to be sound, the wireless communications provider in conjunction with the owner of the facility shall submit to the Director of Inspectional Services within ten (10) business days a plan to remedy the structural defect(s). Upon approval of the plan by the Director of Inspectional Services, the remediation plan shall be completed as soon as is reasonably possible.

6.6.14 Indemnification. Any permit issued pursuant to this ordinance shall require that the holder of such permit indemnify and hold harmless the City of Quincy and its boards, commissions, committees, officers, employees, agents and representatives from and against all claims, causes of action, suits, damages, costs and liability of any kind which arise out of the construction, location, operation, or use of the subject wireless communications facility in the City of Quincy.

6.6.15 Exemptions. The provisions of this ordinance shall not apply to:

1. Wireless communication facilities providing safety or emergency services for any federal, state, or municipal body;
2. Amateur radio antennas licensed by the Federal Communications Commission and subject to General Laws Chapter 40A, section 3, provided that such antennas are not used for any commercial purpose and do not exceed 35 feet;
3. Home television or internet access antennas;
4. Medical facilities for transmittal of clinical medical information.
5. An Urban Renewal Use.

6.7 WIND FACILITIES

6.7.1 Purpose. The purpose of this Section is to provide by either a special permit or site plan approval for the construction and operation of wind facilities, whether as the primary use or accessory use, and to provide standards for the placement, design, construction, monitoring, modification and removal of wind facilities that address public safety, minimize impacts on scenic, natural and historic resources of the City and provide adequate financial assurance for decommissioning.

6.7.2 Applicability.

1. Site plan approval is required for the construction and/or modification of wind facilities where the height of the wind turbine(s) is less than 250 feet.
2. A special permit is required for the construction and/or modification of wind facilities where the height of the wind turbine(s) equals or exceeds 250 feet.

3. An Urban Renewal Use is exempt from the provisions of Section 6.7.

6.7.3 Application Procedures. The application for a wind facility shall be filed in accordance with the rules and regulations of the Planning Board, the Quincy Zoning Ordinance, and G.L. c. 40A, s. 9. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts. Included in the application shall be:

1. *General.*

- a. Name, address, phone number and signature of the applicant, as well as all co-applicants and property owners;
- b. Name, contact information and signature of any agents representing the applicant;
- c. Documentation of the legal right to use the wind facility site, including the requirements set forth herein.

2. *Siting and Design.* The applicant shall provide a description of the property, which shall include:

- a. Copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000, showing the proposed facility site, including turbine sites, and the area within at least two miles from the facility. Zoning district designation for the subject parcel should be included; however a copy of a zoning map with the parcel identified is suitable.
- b. A one inch equals 200 feet plan of the proposed wind facility site, with contour intervals of no more than 10 feet, showing the following:
 1. Property lines for the site parcel and adjacent parcels within 500 feet;
 2. Outline of all existing buildings, including purpose (e.g. residence, garage, etc.) on site parcel and all adjacent parcels within 500 feet. Include distances from the wind facility to each building shown;
 3. Location of all roads, public and private on the site parcel and adjacent parcels within 500 feet, and proposed roads or driveways, either temporary or permanent;
 4. Existing areas of tree cover, including average height of trees, on the site parcel and adjacent parcels within 500 feet;

5. Proposed location and design of wind facility, including all turbines, ground equipment, appurtenant structures, transmission infrastructure, access, fencing, exterior lighting, etc;

6. Location of viewpoints referenced herein.

3. *Visualizations.* The applicant shall provide at least six sight lines, including from the nearest building with a view of the wind facility, for pre- and post-construction view representations. Sites for the view representations shall be selected from populated areas or public ways within a two (2) mile radius of the wind facility. View representations shall be in color and have the following characteristics:

- a. Include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the wind facility by superimposition of the wind facility onto photographs of existing views;
- b. Include existing or proposed buildings or tree coverage;
- c. Include description of the technical procedures followed in producing the visualization, such as distances, angles, and lens.

4. *Landscape Plan.* The applicant shall submit a landscape plan indicating all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting, other than FAA lights, screening vegetation or structures. Lighting shall be designed to minimize glare on abutting properties and except as required by the FAA be directed downward with full cut-off fixtures to reduce light pollution.

5. *Operation and Maintenance Plan.* The applicant shall submit a plan for maintenance of access roads and storm water controls, as well as general procedures for operational maintenance of the wind facility.

6. *Compliance Documents.* If required under other subsections herein, the applicant will provide the compliance documents with the application.

7. *Independent Consultants.* Upon submission of an application for a special permit, the Planning Board may hire outside consultants, pursuant to G.L. c. 44, s. 53G. As necessary, the applicant may be required to pay not more than 50% of the consultant's costs.

6.7.4 Zoning Districts. The construction of a wind facility as a primary use is not permitted in Residence A, Residence B, or Residence C zoning districts. The construction of a wind facility as an accessory use in Residence A, Residence B, or Residence C zoning districts or as either an accessory use or primary use in all other zoning districts is permitted subject to the issuance of a

permit in accordance with the provisions of this chapter. In addition to any other requirements of the Quincy Zoning Ordinance, such permits may also impose reasonable conditions to insure that wind facilities shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts; require safeguards and limitations on time and use; and may require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the wind facility, should they occur.

1. Wind monitoring or meteorological towers are not permitted in Residence A, Residence B, or Residence C zoning districts. Wind monitoring or meteorological towers are permitted in all other zoning districts subject to issuance of a building permit for a temporary structure for a period of no longer than twelve (12) months and subject to other provisions of this Section.

6.7.5 Compliance with Laws, Ordinances and Regulations. The construction and operation of all such proposed wind facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements and industry standards.

6.7.6 Insurance. The applicant shall provide evidence of liability insurance in an amount and duration sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility.

6.7.7 Site Control. The applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the proposed facility. Documentation shall also include proof of control over setback areas and access roads, if required. Control shall mean the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.

6.7.8 General Siting Standards.

1. *Ground Clearance.* The minimum distance between the ground and any part of a rotor or a turbine blade shall be thirty (30) feet.
2. *Setbacks.* Wind turbines shall be set back a distance equal to 1.5 times the overall blade tip height of the wind turbine from the nearest nonparticipating residential or commercial structure and from the nearest property line and public or private right of way line.

6.7.9 Lighting, Signage, Utilities and Other Structures.

1. *Lighting.* Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the wind facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.

2. *Signage.* Signs on the wind facility shall be limited to:

- a. Signs necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger, which shall not exceed four (4) sq. ft.;
- b. Educational signs providing information about the facility and the benefits of renewable energy if, and only if, the wind facility is on public land.

3. *Advertising.* Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.

6.7.10. Utility Connections. Reasonable efforts shall be made to locate utility connections from the wind facility underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

6.7.11 Appurtenant Structures. All appurtenant structures to such wind facilities shall be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and shall be contained within the turbine tower whenever technically and economically feasible. Structures shall only be used for housing of equipment for this particular site. Whenever reasonable, structures should be shaded from view by vegetation and/or located in an underground vault and joined or clustered to avoid adverse visual impacts.

6.7.12 Ancillary Structures. No telecommunications dishes, antennas, cellular telephone repeaters, or other similar devices shall be attached externally to wind turbine towers.

6.7.13 Support Towers. Monopole towers are the required type of support for the wind turbine.

6.7.14 Safety, Aesthetic and Environmental Standards.

1. *Emergency Services.* The applicant shall provide a copy of the project summary to the police and fire departments and shall cooperate with these departments in developing an emergency response plan.

2. *Unauthorized Access.* Wind turbines or other structures part of a wind facility shall be designed to prevent unauthorized access and wind turbines shall not be climbable up to fifteen (15) feet above ground surface.

3. *Shadow/Flicker.* Wind facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have

significant adverse impact on neighboring or adjacent uses through either siting or mitigation.

4. *Noise.* The wind facility and associated equipment shall conform to the provisions of the Department of Environmental Protection's (DEP), Division of Air Quality Noise Regulations (310 CMR 7.10), unless the DEP and the special permit granting authority agree that those provisions shall not be applicable. A source of sound will be considered to be violating these regulations if the source:

- a. Increases the broadband sound level by more than 10 dB above ambient; or Produces a "pure tone" condition – when an octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by three (3) decibels or more. These criteria are measured both at the property line and at the nearest inhabited residence. Ambient is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours. The ambient may also be established by other means with consent from DEP. An analysis prepared by a qualified engineer shall be presented to demonstrate compliance with these noise standards. The special permit granting authority, in consultation with the DEP, shall determine whether such violations shall be measured at the property line or at the nearest inhabited residence.
- b. Methods for measuring and reporting acoustic emissions from wind turbines and the wind facility shall be equal to or exceed the minimum standards for precision described in the American Wind Energy Association Standard 2.1 – 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume 1: First tier as revised.*

5. *Color and Finish.* The Planning Board shall have discretion over the turbine color, although a neutral, non-reflective exterior color designed to blend with the surrounding environment is encouraged.

6. *Land Clearing, Soil Erosion and Habitat Impacts.* Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind facility and is otherwise prescribed by applicable laws, regulations, and ordinances.

6.7.15 Waiver of Setbacks, Sound and Shadow Flicker Provisions. The Planning Board, in its discretion, is authorized to waive the setback provisions of this chapter to no less than 1.1 times the overall blade tip height and the sound, and shadow flicker provisions of this chapter to the extent these three provisions affect a non-participating property, provided the applicant submits the request in writing, and if the applicant is not the property owner, the property owner's written consent to the waiver shall also be submitted. The application shall contain the non-participating property owner's acknowledgement of the setback, sound or shadow flicker

requirements of this chapter and what is proposed in lieu thereof, describe the impact on the non-participating property owner, and state the non-participating property owner's support for the applicant's waiver request. A non-participant property owner's affidavit shall be made part of the permit decision and shall be separately recorded with the Norfolk County Registry Deeds at the same time that the permit decision is recorded to provide notice to all subsequent purchasers of the non-participating property of the waiver granted.

6.7.16 Facility Conditions. The applicant shall maintain the wind facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the fire and police departments. The project owner shall be responsible for the cost of maintaining the wind facility and any access road, unless accepted as a public way, and the cost of repairing any damage occurring as a result of operation and construction.

6.7.17 Abandonment or Decommissioning.

1. *Removal Requirements.* Any wind facility, which reaches the end of its useful life or is abandoned, shall be removed. When the wind facility is scheduled for decommissioning, the applicant shall notify the director by certified mail thirty (30) days prior to the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the wind facility no more than one hundred fifty (150) days after the date of discontinued operations. At the time of removal, the wind facility site shall be restored to the state it was in before the facility was constructed or any other legally authorized use. More specifically, decommissioning shall consist of:

- a. Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site;
- b. Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations;
- c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The director may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

2. *Abandonment.* Absent notice of a proposed date of decommissioning, the facility shall be considered abandoned when the facility fails to operate for more than one year without the written consent of the director. The director shall determine what proportion of the facility is inoperable for the facility to be considered abandoned. If the applicant fails to remove the wind facility in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the city shall have the authority to enter the property and physically remove the facility. The costs incurred by the city shall constitute a debt due to the city upon completion of the decommissioning activities and the rendering of an account to the facility owner, operator

and the landowner, if applicable, and shall be recoverable from such parties in an action of contract.

6.7.18 Financial Surety. The Planning Board shall require the applicant provide annually to the director evidence of surety, either through an escrow account, bond or otherwise, with the city as the named obligee/payee, to insure 100% of the cost of compliance with section 17.38.090(1) herein. The applicant shall also submit annually to the director a fully inclusive estimate of the costs associated with such compliance prepared by a qualified engineer. Such surety will not be required for municipal or state-owned facilities.

6.7.19 Term of Special Permit. A special permit issued for a wind facility shall be valid for twenty-five (25) years, unless extended or renewed. The time period may be extended or the permit renewed by the Planning Board upon determination by the Planning Board of the satisfactory operation of the facility. Request for renewal must be submitted at least 180 days prior to expiration of the special permit. Submitting a renewal request shall allow for continued operation of the facility until the Planning Board acts. At the end of that period, including extensions and renewals, the wind facility shall be removed as required by this chapter.

6.7.20 Notice of Operation. The applicant shall notify all abutters within 500 feet of the facility prior to the operation and testing of any wind facility. The wind facility owner/operator shall post an emergency telephone number so that the appropriate people may be contacted should any wind turbine need immediate attention. This telephone number shall be clearly visible on a permanent structure(s) or post(s) within a reasonable distance from the facility.

6.7.21 Public Inquiries and Complaints. The wind facility owner shall maintain a phone number and identify a person for the public to contact with inquiries and complaints throughout the life of the project. The wind facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints. Upon receipt by the director of a complaint regarding sound, shadow, or flicker from an existing wind facility, the director shall investigate the complaint. If the director determines the complaint reasonably demonstrates inconsistency with the permit granted, the wind facility owner or operator may be required, at its expense, to have prepared by an independent authority, approved by the director, a study that demonstrates compliance with this Section.

6.8 SATELLITE RECEIVING ANTENNA

6.8.1 Small Dishes. A satellite receiving antenna with a receiving dish with a diameter equal to or less than three feet may be installed in any district.

6.8.2 Large Dishes. A satellite receiving antenna with a receiving dish with a diameter greater than three feet may not be erected in a Residential District unless it is accessory to a residential or institutional use and it is located in a rear yard.

6.8.3 Requirements for Large Dishes. A satellite receiving antenna with a receiving dish

with a diameter greater than three feet is subject to the following conditions:

1. The antenna is located in a rear yard but not within the required minimum setback.
2. The antenna shall be permanently secured to the ground. No antenna shall be installed on a building or on a portable or movable structure, such as a trailer.
3. No antenna shall exceed an overall diameter of 12 feet or a height of 15 feet above the natural grade when measured to its uppermost point when in an upright position.
4. The base of the antenna shall be screened from view from any abutting lot or from the street by an opaque fence, at least six feet high, or by planting providing comparable screening and opacity.
5. The antenna shall be of a nonreflecting and inconspicuous color and compatible with the appearance and character of its surroundings. No advertising material shall be permitted.
6. The antenna shall not be used for commercial purposes except where accessory to a use permitted in the district by special permit, provided the antenna is subject to the conditions of the special permit.

6.8.4 Abandonment. An antenna no longer in use shall be removed within 30 days. In the event that the owner fails to comply, the City may enter onto the Property to implement the measures set forth above. In the event the City incurs expense, the owner shall promptly reimburse the City for all reasonable expenses associated therewith; if the owner fails to so reimburse the City, the City may place a lien on the property or any improvement thereon to secure such payment.

SECTION 7.0 SPECIAL RESIDENTIAL REGULATIONS

7.1 AFFORDABLE HOUSING ORDINANCE

7.1.1 Applicability. This Affordable Housing Ordinance, Section 7.1, and all of the provisions contained herein, shall apply to all projects where a special permit and/or variance and/or site plan approval is sought from any City of Quincy board or body to construct a residential building project of ten (10) units or more. For the purposes of this Affordable Housing Ordinance, such projects shall be referred to as “Inclusionary Projects”. The provisions of this Section 7.1 shall apply to all Inclusionary Projects in all zoning districts of the City.

1. The provisions of Section 7.1 shall not apply to Urban Renewal Uses.

7.1.2 Requirements. A developer of an Inclusionary Project shall, concurrent with filing any application for any special permit, variance or site plan approval within the City of Quincy, file with the Affordable Housing Trust Committee (“AHTC”) a description of the Inclusionary Project and the special permit(s) and/or variances(s) and/or site plan approval(s) sought. Filing such descriptions with the Department of Planning and Community Development shall be considered filing with the AHTC. Within thirty-five (35) days of receipt of such descriptions by the Department of Planning and Community Development and/or the AHTC, the AHTC shall provide, to any special permit granting or variance granting or site plan approval granting authority (hereinafter, the “granting authority”) considering the Inclusionary Project, the AHTC’s recommendations for conditions on the Inclusionary Project. The granting authority receiving such recommendations shall give great weight to the recommendations of the AHTC in determining what conditions shall be applied to the Inclusionary Project and any relevant special permits or variances or site plan approval.

1. If the Affordable Housing Trust Committee fails to provide a recommendation to the granting authority within thirty-five (35) days of the AHTC receiving an Inclusionary Project description, such granting authority may proceed in acting upon the special permits and/or variances and/or site plan approval sought without the recommendation of the AHTC. In all cases, the granting authority shall retain the ultimate authority to determine what, if any, conditions shall be placed on an Inclusionary Project pursuant to this Affordable Housing Ordinance.

7.1.3 Affordable Housing Trust Committee. The AHTC may consider any plans, presentations, or requests of developers in determining what conditions should be applied to Inclusionary Projects. However, the AHTC shall not be bound by such plans, presentations, or requests. Although the AHTC may recommend any conditions that it deems appropriate based on the description of each individual Inclusionary Project, the AHTC shall consider the following guidelines in making its recommendations for conditions on Inclusionary Projects:

1. Projects that consist in total of less than ten dwelling units shall not be considered Inclusionary Projects and no contribution to City affordable housing shall be required.

2. *Rental Inclusionary Projects.* Any Inclusionary Project that creates or is designed to create residential rental units shall be designated a “Rental Inclusionary Project” under this Section 7.1. Although the AHTC shall use its judgment to recommend appropriate conditions in each individual case, when a developer presents a Rental Inclusionary Project to the AHTC, the AHTC will give particular consideration to the following conditions. The developer may be required to:

- a. create or cause to be created affordable housing units for occupancy exclusively by eligible households; or
- b. donate land to be used exclusively for the development of affordable housing units; or
- c. undertake such other reasonable creation of affordable housing units or donation in lieu of such creation as may be recommended by the AHTC.

3. When the AHTC chooses to proceed under Section 7.1.3.2.a, the developer will generally be required to provide as affordable housing units ten percent of all of the housing units contained in the Rental Inclusionary Project.

4. When the AHTC chooses to proceed under Section 7.1.3.2.b, the developer will generally donate land of at least an equal appraised value to the value of ten percent of all of the housing units contained in the Rental Inclusionary Project.

5. When the AHTC chooses to proceed under Section 7.1.3.2.c, the developer will generally be required to create affordable housing units, or donate cash in lieu of such creation, at a cost to the developer no greater than an amount equal to fifty percent of the total construction costs of ten percent of the total units developed. Such a contribution or donation shall be determined and administered as described below.

6. *For-Sale Inclusionary Projects.* Any Inclusionary Project that creates or is designed to create residential units for owner occupancy shall be designated a “For-Sale Inclusionary Project” under this Section 7.1.3. Although the AHTC shall use its judgment to recommend appropriate conditions in each individual case, when a developer presents a For-Sale Inclusionary Project to the AHTC, the AHTC will give particular consideration to the following condition:

- a. The developer of a For-Sale Inclusionary Project may be required to contribute to the Affordable Housing Trust Fund, in cash, an amount equal to fifty percent of the total construction costs of ten percent of the total units developed. This contribution shall be designated the “Fee in Lieu Of Dwelling Units”.

- b. When a developer is required to comply with subsection a, above, as part of the issuance of a variance or a special permit, the developer shall deliver the Fee In Lieu Of Dwelling Units to the Chair of the City of Quincy AHTC or his/her designee to be added to the Affordable Housing Trust Fund. The Fee In Lieu Of Dwelling Units shall be determined as follows:
- c. As the basis for determining the amount of the Fee In Lieu Of Dwelling Units, and for determining the building construction cost data, the Department of Inspectional Services shall use the methods used at that time by the Department of Inspectional Services to calculate building permit fees. The Department of Inspectional Services shall calculate fifty percent of the total construction cost of ten percent of the total units constructed in the Inclusionary Project by using total construction cost data appropriate for the relevant type of unit construction. The resulting dollar value, rounded to whole dollars, shall be the Fee in Lieu Of Dwelling Units. The payment of the Fee In Lieu Of Dwelling Units shall be made in accordance with the completion schedule contained in Section G of this ordinance. All building permits related to Inclusionary Projects shall be reviewed by the Director of Inspectional Services.

7.1.4 Monitoring Compliance with AHTC Conditions.

- 1. Any condition placed on any special permit or variance or site plan approval pursuant to a recommendation of the AHTC or pursuant to this Affordable Housing Ordinance shall be deemed an Affordable Housing Condition.
- 2. *Prior to Issuance of an Occupancy Permit.*
 - a. The AHTC shall oversee and monitor compliance with all Affordable Housing Conditions. In order to facilitate this process, until an occupancy permit has been issued for any Inclusionary Project subject to an Affordable Housing Condition, the recipient of the special permit(s) and/or variance(s) and/or site plan approval containing the Affordable Housing Condition(s) shall periodically, on January 1 and July 1 of each year, report to the AHTC regarding compliance with any and all Affordable Housing Conditions. Such reporting shall continue until an occupancy permit has been issued for the Inclusionary Project.
 - b. Periodic reports to the AHTC shall be designed to inform the AHTC on the general progress of development on the Inclusionary Project and to specifically inform the AHTC regarding compliance with any Affordable Housing Condition. Based upon these periodic reports, or upon any other information, and prior to the issuance of an occupancy permit for the Inclusionary Project, the AHTC shall report to the granting authority regarding the status of the implementation of such Affordable Housing Condition. The granting authority shall require and enforce

compliance with all Affordable Housing Conditions. The granting authority shall consider the reports and recommendations of the AHTC in considering whether or not a developer has complied with conditions placed on an Inclusionary Project. When the granting authority determines that an Inclusionary Project is not in compliance with an Affordable Housing Condition, the granting authority shall have all of the remedies available to it in the case of violation of any other type of condition, including revocation of the variance or special permit or site plan approval.

- c. Prior to the issuance of any occupancy permit for any Inclusionary Project subject to an Affordable Housing Condition, the Affordable Housing Trust Committee shall designate, consistent with any Affordable Housing Conditions, which properties or property interests contained in the Inclusionary Project are subject to continuing affordable housing requirements after the issuance of the occupancy permit. Such properties or property interests shall be known as the Designated Property and any entity having any ownership interest in any Designated Property shall be known as a Designated Owner.
- d. Prior to the issuance of any occupancy permit for any Inclusionary Project subject to an Affordable Housing Condition, the AHTC shall notify each Designated Owner that his property is a Designated Property. The Inclusionary Project permit and/or variance and/or site plan approval recipients shall be responsible for providing the AHTC with a list of all Designated Owners, at the AHTC's request. Failure of the AHTC to give such notice, however, shall not effect the validity of any Affordable Housing Condition. Such notice shall notify the Designated Owner of the Affordable Housing Condition and of any obligations under the Affordable Housing Condition and this Affordable Housing Ordinance.

3. After the Issuance of an Occupancy Permit.

- a. The AHTC shall oversee and monitor compliance with all Affordable Housing Conditions. In order to facilitate this process, after an occupancy permit has been issued for any Inclusionary Project subject to an Affordable Housing Condition, all Designated Owners of Designated Property contained within the Inclusionary Project shall report annually, on July 1, to the AHTC regarding compliance with the relevant Affordable Housing Condition. This reporting obligation shall attach to the owner of any Designated Property. When Designated Property, or any interest in Designated Property, is transferred, the transferee shall assume the reporting obligations described herein and any other obligations contained in the Affordable Housing Condition.
- b. Annual reports to the AHTC shall be designed to inform the AHTC regarding compliance with any Affordable Housing Condition. Based upon these annual reports, or upon any other information, the AHTC may report to the granting

authority regarding compliance with the Affordable Housing Condition. The granting authority shall require and enforce compliance with all Affordable Housing Conditions. The granting authority shall consider the reports and recommendations of the AHTC in considering whether or not a developer has complied with conditions placed on an Inclusionary Project. When the granting authority determines that an Inclusionary Project is not in compliance with an Affordable Housing Condition, the granting authority shall have all of the remedies available to it in the case of violation of any other type of condition, including revocation of the variance or special permit or site plan approval.

4. Pursuant to an Affordable Housing Condition, and prior to the issuance of an occupancy permit, the AHTC, with the approval of the Mayor of the City of Quincy, may enter into any agreements with the Designated Owners, or with any other party, that it deems necessary to comply with the Affordable Housing Condition, including Agreements regarding mortgages, deed restrictions, rental limitations, or any other limitation contained in the Affordable Housing Condition.

5. The AHTC may, at any time, remove any property or property interest from the list of Designated Properties, and may terminate the obligations of any Designated Property or Designated Owner under any Affordable Housing Condition, as long as such removal and termination is in the public interest and/or consistent with the purposes of this Affordable Housing Ordinance. Such removal and termination shall be reported to the relevant granting authority and shall be considered incorporated into the relevant Affordable Housing Condition.

7.1.5 Fractional Dwelling Unit. Where the application of any formula contained in this ordinance results in a fractional dwelling unit, a fraction of one-half of a dwelling unit or more shall be considered as one full dwelling unit. A fraction of less than one-half of a dwelling unit shall not be considered a dwelling unit. Each affordable housing unit shall meet the standards established in Section H of this ordinance.

7.1.6 Construction of Affordable Housing Units. For any construction of affordable housing units under this Affordable Housing Ordinance in which affordable housing units are part of a project containing market rate units, the affordable housing units may be required to be provided coincident with the development of the market rate units, but in no event shall the development of the affordable units be delayed beyond the schedule below. In addition, any land, monies or property (or any other housing units) to be provided under this ordinance shall be provided at least at the rate described below.

Percent of Completed Market Rate Units	Minimum Percentage of Completed Affordable Units (or minimum percentage of land, property or monies to be provided)
Up to 30%,	None Required

30% + 1 unit	10%
50% + 1 unit	30%
65% + 1 unit	50%
75% + 1 unit	70%
90% + 1 unit	100%

7.1.7 Standards for Construction and Occupancy of Affordable Units. Affordable units shall be generally comparable in size, number of bedrooms, and materials to dwelling units in the neighborhood or in the project in which they are located and shall be consistent with local needs for affordable housing. Preference for affordable housing units shall be given to Quincy residents whenever possible.

7.1.8 Occupancy. Solely for the purposes of this Affordable Housing Ordinance, “occupancy” shall mean the inhabiting and use of a housing unit, including change of tenants or residents in a housing unit.

7.1.9 Affordable Housing Trust Committee. The City shall establish an Affordable Housing Trust Committee (AHTC).

1. The AHTC shall consist of 13 members, as follows, one of whom shall be a permanent member and twelve of whom shall be appointed for staggered terms of five years.
 - a. One permanent member. The Director of Planning and Community Development or his/her designee shall serve ex-officio as permanent Chair of the AHTC and shall serve ex-officio as the trustee of the Affordable Housing Trust Fund.
 - b. Members appointed for staggered five-year terms. The Mayor of the City of Quincy shall appoint to the AHTC 12 members for staggered five-year terms. The Mayor shall appoint:
 1. 1 member with a background in banking;
 2. 1 member with a background in residential development;
 3. 1 member from the executive board of the Quincy and south shore building trades;
 4. 2 members from faith-based organizations;
 5. 2 members from City of Quincy designated community housing development organizations;
 6. 2 community members of the Mayor’s choosing; and
 7. 3 members consisting of the Quincy City Councilors serving on the City Council Housing Committee.

All non-permanent members of the Affordable Housing Trust Committee shall be considered special municipal employees. At all times at least ten of the twelve non-

permanent members of the AHTC shall be residents of the City of Quincy. The AHTC may seek technical and administrative assistance from the Department of Planning and Community Development, the Director of Inspectional Services, and the City Solicitor's Office.

2. The AHTC shall have the following authority:

- a. The AHTC shall administer the Affordable Housing Ordinance and shall have all of the power and authority granted to it under this Affordable Housing Ordinance. The AHTC shall review descriptions of Inclusionary Projects and may make recommendations to permit granting and variance granting authorities regarding conditions to be placed on Inclusionary Project permits and variances. Such recommendations shall be made by the AHTC upon the vote of a majority of the AHTC members attending any AHTC meeting at which there is a quorum. The AHTC shall additionally monitor compliance with conditions placed on Inclusionary Projects pursuant to this Affordable Housing Ordinance and/or on recommendation of the AHTC and shall report to the granting authority on compliance with those conditions. Such reports shall be approved by the AHTC by a vote of a majority of the AHTC members attending any AHTC meeting at which there is a quorum.
- b. The AHTC shall seek, through its recommendations to permit granting and variance granting authorities, and through its administration of affordable housing and the Affordable Housing Trust Fund, to provide affordable housing to low and moderate income families. In furtherance of this goal, on July 1 of each year the AHTC shall define "income eligible households" and such definition shall remain in place until July 1 of the following year. The AHTC shall seek, through this Affordable Housing Ordinance, to provide affordable housing to qualifying income eligible households.

7.1.10 Income Eligible Households. When Affordable Housing Conditions are placed on Inclusionary Projects that require occupancy of any housing unit by an income eligible household, the definition of income eligible household in place at the time of the initial occupancy by each successive household shall be the controlling definition. When such conditions are placed on Inclusionary Projects, the following requirements shall apply:

1. *Rental Inclusionary Projects:* When any Designated Property is used as a rental unit, and when any Affordable Housing Condition requires occupancy of that rental unit by an income eligible household, the affordable housing unit shall be administered in the following way:
 - a. The AHTC shall annually, on July 1, establish guidelines setting the minimum and maximum rent that may be charged to an income eligible household occupying a Designated Property.

- b. As part of the Designated Owner's annual report to the AHTC after the issuance of an occupancy permit, the Designated Owner shall report on the income eligible status of the occupant(s) of the Designated Property. Based on such reports, or on any other information, and consistent with the definition of income eligible household in place at the time of such report, the AHTC shall determine annually whether or not occupant(s) of a Designated Property used as a rental unit continue to qualify as an income eligible household. In cases where the occupant(s) no longer qualify as an income eligible household, the occupant(s) shall be given no less than twelve months to vacate the Designated Property. In cases where the occupant(s) continue to qualify as an income eligible household, the occupant(s) may remain the occupant(s) of the Designated Property, so long as such occupancy is consistent with the Affordable Housing Condition.
- c. For-Sale Inclusionary Projects: When any Designated Property is used as an owner-occupied unit, and when any Affordable Housing Condition requires occupancy of that For-Sale Inclusionary Project unit by an income eligible household, the affordable housing unit shall be administered in the following way:
- d. The AHTC shall annually on July 1 establish guidelines setting the minimum and maximum purchase price that may be charged for any Designated Property that is to be owner occupied.
- e. In no case shall the purchase price of such For Sale Designated Property be more than seventy percent (70%) of the fair market value of the designated property. When a Designated Property is sold to an income eligible household, the seller shall report to the AHTC the fair market value of the Designated Property at the time, the purchase price of the Designated Property, and the percentage difference between the fair market value and the purchase price (the "Affordable Housing Percentage").

7.1.11 Subsequent Sales. Once the Designated Property has been purchased by an income eligible household (the "initial purchase"), the income eligible household shall then be free to sell the Designated Property for fair market value (the "second sale"). The income eligible household shall not sell the Designated Property for less than fair market value, however, at the second sale. Upon the second sale of the Designated Property for fair market value, the seller shall pay a percentage, equal to the Affordable Housing Percentage, of the purchase price to the Affordable Housing Trust Fund, unless the fair market value of the Designated Property at the time of the second sale is less than the fair market value of the Designated Property at the time of the initial purchase, in which case no money shall be due to the Affordable Housing Trust Fund. Once a second sale has taken place on a Designated Property, all Affordable Housing Conditions and all limitations and obligations upon the Designated Property pursuant to this Affordable Housing Ordinance shall terminate.

1. As part of the Designated Owner's annual report to the AHTC after the issuance of an occupancy permit, the Designated Owner shall report on any deed restrictions and mortgages on the Designated Property and on any potential sale of the Designated Property. The Designated Owner shall insure, in the case of a transfer of the Designated Property, through deed restrictions that the requirements of this Affordable Housing Ordinance are adhered to. Once a second sale has taken place on a Designated Property, however, all Affordable Housing Conditions, deed restrictions, and all limitations and obligations upon the Designated Property pursuant to this Affordable Housing Ordinance shall terminate.
2. The AHTC may promulgate, upon a vote of two-thirds of the AHTC members present at any AHTC meeting at which there is a quorum, guidelines, for distribution to developers, regarding the requirements of the Affordable Housing Ordinance and the provision of affordable housing units within the City of Quincy. Although these guidelines will not be binding upon developers, the guidelines will be considered by the AHTC and the granting authority in determining what, if any, conditions should apply to each Inclusionary Project.
3. The AHTC will be deemed to have a quorum whenever seven or more of the thirteen members of the AHTC are present at a meeting.
4. Once the Affordable Housing Trust Fund is established, the AHTC shall administer the Affordable Housing Trust Fund.
5. Upon a vote of two-thirds of the members of the AHTC present at any meeting at which there is a quorum, the AHTC may vote to accept funds, housing units, land, or property conveyed to the City of Quincy pursuant to this Affordable Housing Ordinance. However, in the case of the acceptance or purchase of any housing units, land or property under this Affordable Housing Ordinance such acceptance or purchase shall not become effective until such acceptance or purchase is referred to the City Council and approved consistent with all of the requirements of law.
6. Upon a vote of two-thirds of the members of the AHTC present at any meeting at which there is a quorum, the AHTC may vote to disburse or sell any or all of the funds, housing units, land or property contained within the Affordable Housing Trust Fund. However, in the case of the sale or disbursement of any housing units, land or property under this Affordable Housing Ordinance, such sale or disbursement shall not become effective until such sale or disbursement is referred to the City Council and approved consistent with all of the requirements of law. Any sale or disbursement of funds, housing units, land or property from the Affordable Housing Trust Fund must be, in the reasonable judgment of the AHTC, consistent with and pursuant to the goals contained in this Affordable Housing Ordinance. The AHTC may vote to disburse or sell any funds, housing units, land or property contained within the Affordable Housing Trust Fund for any other purpose only upon a finding by the AHTC that such a sale or disbursement is in

the public interest, a unanimous vote of all of the AHTC board members in favor of such a disbursement or sale, and approval by the Mayor of the City of Quincy. In addition, such sale or disbursement shall not become effective until such sale or disbursement is referred to the City Council and approved consistent with all of the requirements of law.

7. Unless specifically stated otherwise in this Affordable Housing Ordinance, all actions of the AHTC shall be taken upon the vote of a majority of the members of the AHTC present at any meeting at which there is a quorum.

7.1.12 Affordable Housing Trust Fund. The City shall establish an Affordable Housing Trust Fund for the deposit of any funds, housing units, land or property generated by this Affordable Housing Ordinance. Until and unless such an Affordable Housing Trust Fund is established, any funds, housing units, land or property acquired by the City pursuant to this ordinance shall be acquired through and placed into the City's General Fund and the General Fund shall function in place of the Affordable Housing Trust Fund for the purposes of this Affordable Housing Ordinance. Acquisition and distribution of any funds, housing units, land, or property acquired by the City pursuant to this ordinance and placed in the City's General Fund shall be subject to all of the usual requirements of law regarding acquisition and disbursement of funds, housing units, land or property by the City. Funds, housing units, land, and property deposited in the Affordable Housing Trust Fund may be used for any purpose pursuant to and consistent with this Affordable Housing Ordinance, including the following:

1. Creation of affordable housing units through a variety of means including, but not limited to, the provision of favorable financing terms or direct write down of costs for either nonprofits or for-profit developers or to subsidize the purchase of sites, existing structures, or affordable units within a larger development.
2. Multifamily rehabilitation programs.
3. Limited equity cooperatives.
4. Condominium conversions.

7.1.13 Adoption of Prior Acts. Adoption of prior acts of the AHTC. All votes, decisions, and other actions of the Affordable Housing Trust Committee taken prior to February 17, 2004 shall continue in full force and effect unless specifically rejected by the Affordable Housing Trust Committee after that date, by a vote of two thirds of the AHTC members present at any meeting at which there is a quorum.

SECTION 8.0 SPECIAL DISTRICTS

8.1 FLOOD PLAIN OVERLAY DISTRICT (FPOD)

8.1.1 Purpose. The purposes of the Flood Plain Overlay District (FPOD) are:

1. to provide that the lands in the city subject to seasonal or periodic flooding shall not be used for residence or other purposes in such a manner as to endanger the health or safety of the occupants thereof;
2. to assure the continuation of the natural flow pattern of the watercourses within the city in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.

8.1.2 Location. The FPOD includes all special flood hazard areas designated on the Quincy Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP) dated May 16, 2006 as Zone A, AE, AH, AO, AI-30, A99, V, VI-30, VE which map indicates the 100-year regulator floodplain. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Flood Insurance study booklet dated May 16, 2006. The FIRM, and Flood Insurance Study booklet are incorporated herein by reference and are on file with the City Clerk, Planning Department, Director of Inspectional Services and the Conservation Commission. These maps, as well as the accompanying Quincy Flood Insurance Study are incorporated herein by reference.

8.1.3 Overlay District. The FPOD shall be considered as overlying other districts. Any uses permitted in the portions of the districts so overlaid shall be permitted subject to all the provisions of this Section 8.1.

8.1.4 Duties of Building Commissioner. In order to ensure the proper administration of the Flood Plain Overlay District, the Building Commissioner shall:

1. Review proposed development to assure that all necessary permits have been or are in the process of being obtained from those governmental agencies from which approval is required by state or federal law.
2. Obtain and maintain records of the elevation to which any structure has been flood proofed; the flood proofing certificates required under said district; and whether or not the structure has a basement.

8.1.5 Use Regulations. In the FPOD, no new building or structure shall be erected, constructed, altered, enlarged or moved and no dumping, filling or earth transfer or relocation shall be permitted. The following activities shall be permitted:

1. Conservation of soil, water, plants and wildlife;
2. Recreation, including play and sporting areas, education and nature study, golf, skating, boating, swimming and fishing, where otherwise legally permitted;
3. Forestry, including tree nurseries;
4. Storage of materials and/or equipment for cemetery, parks or playground purposes;
5. Dwellings lawfully existing prior to the adoption of these provisions (including enlargement in area up to twenty five percent of ground coverage).

8.1.6 Coastal High Hazard Areas. In the FPOD, some areas are designated as coastal high hazard areas (Zone V). Since these areas are extremely hazardous due to high velocity waters from tidal surges and hurricane wash, all new construction shall be located landward of the reach of the mean high tide.

8.1.7 Floodway. In the floodway, as designated On the Flood Boundary and Floodway Map, the following provisions shall apply:

1. All encroachments, including fill, new construction, substantial improvements to existing structures and other development are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one hundred year flood, in a floodway.
2. Any encroachment meeting the above standard shall comply with the flood plain requirements of the State Building Code.

8.1.8 National Flood Insurance Program. The City of Quincy shall participate in the National Flood Insurance Program and its community rating system annually and shall adopt any further ordinances necessary to implement this program.

8.1.9 Special Permit. In the FPOD, the Board of Appeals, (or, in the case of the QCD-10 or QCD-15 Districts, the Planning Board) may grant a special permit for any use or structure allowed in the underlying district, subject to the following; provided, however, that Urban Renewal Uses are exempt from this requirement:

1. The request has been referred to the Planning Board, the Health Commissioner, the City Engineer and the Conservation Commission and reported upon by all, or thirty five days shall have elapsed following such referral without receipt of such reports.
2. The proposed use will not be detrimental to the public health, safety and welfare.

3. The proposed use and/or structure will be built in accordance with the one hundred year flood elevation as defined by the Department of Housing and Urban Development, Federal Insurance Map for the City of Quincy.
4. The proposed use will comply in all respects to the provisions of the underlying district or districts within which the land is located.
5. All new construction and substantial improvements (the cost of which equals or exceeds fifty percent of the market value of the structure) of residential and nonresidential structures shall have the lowest floor, including the basement or cellar, elevated to or above the one hundred year flood elevation, or in the case of nonresidential structures be floodproofed, watertight to the one hundred year flood elevation.

8.1.10 Variances. Where the Board of Appeals grants a variance to the regulations set forth in the FPOD, the following additional procedures will be adhered to. The Board of Appeals shall only issue a variance upon:

1. a showing of good and sufficient cause;
2. a determination that failure to grant said variance would result in exceptional hardship to the applicant;
3. a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances or conflict with existing local law;
4. a determination that the issuance of the variance is the minimum necessary considering the flood hazard to afford relief.
5. Variances may be issued for structures to be erected on a lot of one half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level. Variances may also be issued for a structure listed on a National Register of Historic Places or a State Inventory of Historic Places that is to be restored or reconstructed.
6. If a variance is granted, the Board of Appeals shall notify the applicant in writing over their signature that the issuance of such variance to construct below the one hundred year base flood elevation will result in increased premium rates for flood insurance up to amounts as high as twenty five dollars for one hundred dollars of insurance coverage; and such construction below the one hundred year base flood elevation increases risks to life and property.
7. The Board of Appeals shall maintain a record of all variance actions, including

justifications for issuance and report such variances in the annual report submitted to the Federal Insurance Administration.

8.2 OPEN SPACE DISTRICT

8.2.1 Purpose. The purpose of the Open Space District is to identify those areas dedicated or used for public or semipublic uses such as parks and recreation areas, cemeteries and open space reservations. Lands acquired and used for public or semipublic open space purposes by a private organization may be included in the Open Space District.

8.2.2 Regulations. Within an Open Space District, no building or premises shall be used, and no building or structure shall be permitted for other than one of the following specified purposes:

1. Conservation of soil, water, plant and wildlife;
2. Recreation, including play and sporting areas, education and nature study, golf, skating, boating, swimming and fishing where otherwise legally permitted;
3. Forestry, including tree nurseries;
4. Storage of materials and/or equipment for boats, cemetery, parks or playground purposes.

8.2.3 Public Agencies. No structure or building shall be erected, altered or used by a public agency, except as permitted above.

8.3 QUINCY CENTER DISTRICTS

8.3.1 Purpose. The purpose of this Section is:

1. to facilitate and provide incentives for new development of underutilized sites within the Quincy Center Districts;
2. to encourage mixed-use development; to encourage new development in areas accessible to public transit;
3. to provide a predictable, clear and understandable process for the review of new development within the Quincy Center Districts;
4. to promote and create jobs, housing inventory and affordable housing in conformance with Section 7.1 of this Ordinance;
5. to enhance the architectural character of the Quincy Center Districts;

6. to encourage ground floor uses within the Quincy Center Districts that serve the public; and

7. to improve traffic access and circulation; and to create active pedestrian and street life in the Quincy Center Districts.

8.3.2 Available Uses; Special Permit Required. Within the Quincy Center Districts, no buildings or premises shall be used for other than one of the following uses, and, except for Urban Renewal Uses, shall require the issuance of a special permit from the Planning Board.

1. Retail Business and Consumer Services, provided that no more than 25% of the building gross floor area is Retail Business and Consumer Services and provided further that the remaining building gross floor area is either Multifamily dwelling or General office for commercial or professional use or both.

2. All other uses permitted by right or by special permit in Appendix A shall be allowed in the Quincy Center Districts except as provided below in the List of Prohibited Uses In Quincy Center Districts.

LIST OF PROHIBITED USES IN QUINCY CENTER DISTRICTS

PRINCIPAL USE

A. Residential Use

- Boarding house.

B. Exempt and Institutional Use

- Municipal waste disposal area operated by the city or under contract to the city

C. Retail Uses

- None

D. Restaurant Uses

- None.

E. Miscellaneous Commercial Uses

- Adult use
- Body art establishment
- Nonexempt Commercial nursery or greenhouse

F. Motor Vehicle Uses

- Motor vehicle service station

- Motor vehicle general repair
- Motor vehicle sales, service and rental establishments
- Motor vehicle body or paint shop

G. Drive-in Uses

- None.

H. Warehouse, Wholesale and Storage Uses

- Wholesale business and storage in roofed structure
- Distribution center, parcel delivery center or delivery warehouse
- Storage warehouse/building or cold storage plant, but not including storage or bailing of junk, scrap metals, rags, waste paper or used rubber
- Open lot storage of new building materials, but not including junk, scrap metal, rags, waste paper and similar materials
- Open lot storage of lumber and building materials
- Open lot storage of construction equipment

I. Industrial Uses

- Food and beverage manufacturing, bottling or processing or commissary
- Assembly or packaging of articles not exceeding 200 lbs., provided no manufacturing or processing is carried out
- Manufacture, processing, assembly or other industrial operations
- Processing of sand and gravel and the manufacture of bituminous concrete
- Stonecutting, shaping and finishing in completely enclosed building
- Waste recovery facility (resource recovery plants, solid waste recovery plants, any transfer station for solid waste or any other similar facility)

J. Transportation Related Uses

- Rail freight terminal/storage and yard accessory to railroad operations, provided that such freight terminals are not less than 300 feet from any residence district
- Water freight terminal, including docks, piers, wharves and the like, provided that such port facilities are not less than 300 feet from any Residential district
- Truck terminal, yard or building for storage or servicing of cargo trailers, trucks/buses and parking lot for trucks/buses

ACCESSORY USES

K. Residential Accessory Uses

- None.

L. Nonresidential Accessory Uses

- Repair garage accessory to motor vehicle sales

M. Other Uses

- None.

3. Notwithstanding any other provision of this Ordinance to the contrary, mixed uses within a single building or structure (i.e., retail/residential; retail/commercial office) shall be allowed within the Quincy Center Districts if the structure conforms to the Dimensional Requirements set forth in Section 8.3.3, below.

8.3.3 Dimensional Requirements. Within the Districts, the following dimensional requirements shall apply:

1. Minimum Lot Size (sq. ft.): 15,000; 7,500 for Urban Renewal Use.
2. Minimum Lot Area per Dwelling Unit - QCD-10 and QCD-15 (sq. ft.): 325; Not applicable to Urban Renewal Use.
3. Maximum Number of Stories - QCD-10: 10.
4. Maximum Number of Stories - QCD-15: 15, but 20 by special permit for Urban Renewal Use.
5. Urban Renewal Use. For an Urban Renewal Use where air rights parcels are utilized, common ownership of a lot shall not be required.

8.3.4 Off-Street Parking. For purposes of these requirements, a residential studio unit and each room in a lodging house shall be considered to be a one bedroom dwelling unit. Off-street parking facilities in the Quincy Center Districts shall be provided as follows:

1. Residential: Minimum number of parking spaces per bedroom within a dwelling unit where 80% or more of Building Gross Floor Area is Residential: 1.0.
2. Residential: Minimum number of parking spaces per bedroom within a dwelling unit where less than 80% of Building Gross Floor Area is Residential: 0.75 for the first bedroom in a dwelling unit and 0.5 for each additional bedroom.
3. Assembly: One space per 10 seats.
4. Institutional: One space per 2,000 square feet of gross floor area.
5. Office: One space per 600 square feet of gross floor area; provided, however, that for new construction with a net increase in gross floor area of 10,000 square feet, parking shall be provided at a ratio of one space for every 400 square feet of office or retail use and at a ratio of one space for every 300 square feet of restaurant use.

6. Urban Renewal Use other than residential condominium/cooperative units: The number of spaces shall be as determined by the Planning Board in accordance with the Certification of Consistency.

7. Urban Renewal Use comprised of one or more residential condominium/cooperative units: One space per dwelling unit.

8.3.5 (Reserved)

8.3.6 Site Plan Review. Except for Urban Renewal Uses and as provided below, all uses and all structures within the Quincy Center Districts shall require a special permit. When the proposed change, addition, alteration or renovation is less than 20% of the gross square foot area of an existing structure or less than 5,000 square feet of floor area or lot area, whichever is less, only site plan review shall be required.

8.3.7 Special Permit Granting Authority. The Quincy Planning Board is hereby designated the special permit granting authority for all matters within the Quincy Center Districts. The Planning Board is authorized to approve or disapprove:

1. All special permits for uses;
2. All site plans;
3. All applications seeking a finding pursuant to G. L. c. 40A, § 6; and
4. All special permits for a use or structure in the Flood Plain Overlay District.

8.3.8 Special Permit and Site Plan Approval Criteria. The Planning Board shall not approve a special permit or site plan unless it finds that all of the following additional criteria are met:

1. The Planning Board has adopted the Quincy Center District Design Guidelines, dated November 2005 and the Quincy Center Districts Urban Revitalization and Redevelopment Plan, dated May 7, 2007, both as may be amended, for use in implementing this subsection. Those guidelines shall be provided to every permit applicant, who shall be required to show compliance with these guidelines as part of its application. The Planning Board shall include as a part of any permit decision a statement addressing compliance issues with these guidelines.
2. For mixed-use projects, the applicant must establish that the proposed uses are to be located within structure(s) in a manner that promotes ease of use and access, and consistency with the surrounding uses/architecture; e.g., retail uses should front onto a street, new housing shall be consistent with any adjacent existing residential use in terms of density, style of architecture, etc.

3. Any development should be pedestrian friendly, as the Quincy Center Districts will have limited vehicular access; and, should be consonant with the development goals for the district. Indicators of compliance with this criterion include:

- a. Ground floors, particularly where they face public streets, public parks, and publicly accessible pathways, consist of spaces that are actively inhabited by people, such as retail stores, consumer service businesses and restaurants, general office, educational or residential uses. Where a mix of activities are accommodated in a building, the more active uses are encouraged facing public streets, parks and pathways.
- b. Covered parking on the lower floors of a building and on-grade open parking, shall be discouraged where the parking faces a public street, public park, or publicly accessible pathways.
- c. Ground floors should be generally 25-50% transparent. The greatest amounts of glass would be expected for retail uses with lesser amounts for office, institutional or residential use.
- d. Entries to buildings shall be located so as to ensure safe pedestrian movement across streets, encourage walking as a preferred mode of travel within the city and to encourage the use of public transit for employment and other trips. Relating building entries as directly as possible to crosswalks and to pathways that lead to bus stops and transit stations is encouraged; buildings shall be located and developed to encourage pedestrian pathways over the lot and through the Districts.

4. Where appropriate, housing shall be a component of any large, commercial development.

5. The common areas both internal and external shall, where appropriate, be accessible to the pedestrian public. Restrictions on this access can be established by the applicant or its successor in interest.

6. The location, dimensional and aesthetic features of the proposed development shall not be detrimental to the architectural character of the downtown; to the improvement of traffic access and circulation; and to the creation of active pedestrian and street life within the Districts.

7. There will be no nuisance or serious hazard to vehicles or pedestrians.

8. Adequate and appropriate facilities (including, but not limited to parking and loading) will be provided for the proper operation of the proposed use. Said facilities shall be located and designed so as to be compatible with neighboring developments.

9. Historical buildings and places within the Quincy Historical District are to be respected and protected. Special consideration shall be given to the preservation of historical buildings and places within the Quincy Center Districts.

8.3.9 Public Art and Place-Making Program. It is the purpose of this subsection to lessen the visual impact of development and to create a Public Art and Place-Making Program for new development and redevelopment in the Quincy Urban Redevelopment District and the Quincy Center Zoning Districts on plots greater than one-quarter acre. The Public Art and Place-Making Program, through the requirements of this subsection, shall further the commitment of the City of Quincy to the aesthetic enrichment of the community through the creation, preservation and protection of works of art.

8.3.10 Public Art Commission. There is hereby established a commission to be known as the Public Art Commission. The Public Art Commission shall consist of five (5) members plus an additional two (2) alternate and one (1) non-voting high school student, all of whom shall be appointed by the Mayor. A quorum shall consist of three (3) voting members. The Public Art Commission members shall be nominated as follows:

- One (1) nomination by the president of the City Council
- Three (3) nominations by the Mayor
- One (1) nomination by the Planning Board
- Two (2) alternates nominated by the Mayor.
- One (1) non-voting student nominated by the Mayor

8.3.11 Powers and Duties of Commission. The Public Art Commission powers and duties shall include but not be limited to:

1. Adoption of Public Art & Place-Making Program Guidelines and amendments thereto;
2. Authorizing expenditures of \$20,000.00 or less in furtherance from Public Art Program;
3. Recommending to the Mayor other expenditures of the Public Art Fund in excess of \$20,000.00;
4. Establishing an annual administrative budget for the Commission.
5. Establish an annual calendar which shall include not less than six open public meetings of the Commission.

8.3.12 On-site and Off-site Contributions. All development, redevelopment, remodeling or converting greater than 20,000 square feet in gross floor area which are in non-residential districts, or within mixed use or multi-family districts on plots greater than one-quarter acre

within the Quincy Urban Redevelopment District of the Quincy Center Zoning Districts, shall participate in the Public Art and Place-Making Program. When construction is phased, the aggregate gross square footage of the entire project or development shall be added together to determine whether the 20,000 square foot threshold is reached. Owners have the three choices for participating in the Public Art and Place-Making Program as follows:

1. Off-site option: The owner of a development or re-development may pay as mitigation 1% of the development hard costs, exclusive of land acquisition expenses, to the Commission's Public Art Fund prior to the issuance of a building permit; or
2. On-site option: The owner of a development or re-development project may provide artwork located at the development site equal to or greater than 1% of the development hard costs, exclusive of land acquisition expenses, for the project; or
3. The owner of the development and the Public Art Commission may agree to allocate part of the funding to pay for "on-site" art and place the remainder of the contribution into the "off-site" Public Art Fund.

8.3.13 Public Art Fund. There is hereby created a Public Art Fund administered by the Public Art Commission which shall consist of all contributions received from projects as defined under Part V of this section. The Public Art Fund shall also include cash grants and donations to the City for public art and Place-Making projects from governmental or private resources, and all other funds allocated by the City through DIF funding or any budgetary process for the provision of public art. The Public Art Fund shall be used solely for the Commission's administrative budget and expenses associated with the selection, commissioning, acquisition, transportation, maintenance, public education, promotion, administration, removal and insurance of the works of art or in relation thereto.

8.3.14 Public Art and Place-Making Program Guidelines. The Public Art Commission shall prepare, and from time to time revise, Public Art and Place-Making Program Guidelines, as part of the Quincy Center District Design Guidelines which shall provide guidance for program organization; organizational governance and staffing responsibilities; procedures for project planning; artist selection; art selection criteria; art placement criteria; donation; loans and memorials; collection management; and, administration of the Public Art Fund. Such Guidelines shall be made available to the public.

8.4 PLANNED UNIT DEVELOPMENT DISTRICTS

8.4.1 Permitted Uses. Within any Planned Unit Development and Planned Unit Development 1 District, no buildings or premises shall be used, and no building or structure shall be permitted for other than one of the following specified purposes:

1. Detached dwellings occupied by not more than one family, conforming to the requirements of Residence A districts, shall be permitted by right;
2. Planned communities under unified ownership or control in those areas of the city provided with sanitary sewers, disposal facilities, adequate highway access and public water supply shall be allowed by special permit by the City Council. Within such planned communities, the location of all residential, commercial, industrial and governmental uses, school sites, parks, playgrounds, recreation areas, parking areas and other open spaces shall be controlled in such a manner as to permit a variety of housing accommodations and land uses in orderly relationship to one another. All uses permitted by right or by special permit shall be allowed in a Planned Unit Development district;
3. Public ways and private access ways, with planning board approval of a definitive subdivision plan, of at least fifty-foot width, to land in any district which is isolated or landlocked or which has inadequate access.

8.4.2 Dimensional Requirements. In any Planned Unit Development District and Planned Unit Development 1 District, the following dimensional requirements shall apply for any development except single family dwellings which shall conform to the dimensional requirements of Residence A districts:

Min. PUD/PUD 1 size (sq. ft.)	100,000
Min. PUD/PUD 1 area per dwelling unit (sq. ft.)	2,000
Min. open space per dwelling unit (sq. ft.)	100
Max. Floor Area Ratio	4.0
Max. number of stories	8

8.4.3 Off-Street Parking. Off-street parking facilities shall be provided as follows (See also Section 5.1):

Residence - minimum number space per dwelling unit	1.25
Assembly - number of seats requiring one space	10
Institution - number of sq. ft. requiring one space	1,000
Retail - number of sq. ft. requiring one space	400
Office - number of sq. ft. requiring one space	400
Factory and Warehouse - number of sq. ft. requiring one space	2,000

8.4.4 Off-Street Loading. Off-street loading requirements shall be as set forth in Section 5.2.

8.4.5 Location of Structures; Open Space. The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent land uses or to existing or prospective development of the neighborhood. Open spaces, including those between structures, shall be protected where necessary by adequate restrictions or Covenants, running with land

conveyances or dedications. Every single-family dwelling shall have access to a public court, walkway or other area dedicated to public use.

8.4.6 Special Permit Required. Planned communities as set forth in Section 8.4.1.2 shall be permitted after submission to the Planning Board in accordance with G.L. c. 40A, s 11 and the issuance of a special permit by the City Council. The plans and descriptions, when approved by a two-thirds vote of all the members of the City Council in conformance with the standards and regulations set forth in this section, should constitute the controls placed on the special permit. Any change or amendment in the plan or written description shall require after submission to the Planning Board in accordance with G.L. c. 40A, s 11, the approval of two-thirds of the members of the City Council.

8.4.7 Age Restricted Housing. In any Planned Unit Development District and Planned Unit Development 1 District, and age-restricted senior housing facility may be permitted under this section providing that the facility satisfies the application and submittal requirements of this Section and, for such age-restricted senior housing facility, the revised dimensional requirements applicable shall be as follows:

Minimum PUD/PUD 1 size	5 Acres
Minimum PUD/PUD 1 area per dwelling unit (sq. ft.)	1,250

The City Council shall approve the form or forms of ownership and management controls which limit the occupancy to residents who have attained the age of fifty-five years and which forms may be altered or modified from time to time during the useful life of the facility so long as the age-restricted limitations is not altered and so long as no temporary or permanent overnight occupancy for a period in excess of fourteen days by any person who has not attained the age of fifty-five years, related or not, is permitted. The spouse of a qualified resident who has attained the age of fifty-five years may be exempted from the age-restricted limitation hereby imposed.

8.4.8 Congregate Elderly Facility. In any Planned Unit Development district and Planned Unit Development 1 District, a congregate elderly facility may be permitted providing that the facility satisfies the application and submittal requirements of this Section.

8.4.9 Congregate Elderly Facility; Dimensional Requirements. In addition to the requirements of this Section and, for such congregate elderly facility, the revised dimensional requirements applicable shall be as follows:

Min. PUD/PUD 1 size (sq. ft.)	38,000
Min. PUD/PUD 1 area per dwelling unit (sq. ft.)	500
Max. Floor Area Ratio	2.0
Max. number of stories	6
Minimum number of parking spaces per dwelling unit	0.5

8.4.10 Congregate Elderly Facility; Special Permit. Congregate elderly facilities shall be permitted after submission to the Planning Board in accordance with G.L. c. 40A, s 11, and the issuance of a special permit by a two-thirds vote of all members of the City Council. Any change or amendment in the plan or conditions shall require approval by a two-thirds vote of all members of the city council.

1. Each application shall include a development plan with a building profile and site plan, including existing and proposed topography, public utilities, parking, streets or ways, landscaping and other site-development-related information.
2. Each application also shall include a vicinity map showing the proposed use in relation to transit services, grocery stores, parks and open space, community facilities, medical facilities and a description of proposed management of the facility and the number and types of services to be provided to the residents.
3. Each applicant shall also include a market survey performed by a reputable marketing firm that outlines the need for the proposed elderly housing facility.

8.4.11 Congregate Elderly Facility; Required Facilities. Community space and related equipment shall be required to provide social and recreational opportunities for facility occupants. Included may be such facilities as game rooms, meeting rooms, music or craft rooms. All facilities must provide a doctor's examining room.

8.4.12 Congregate Elderly Facility; Transportation. Each complex must provide a transportation management plan that should demonstrate private transportation for all residents of the complex. This may include, but not be limited to, private van service and taxi cab voucher system.

SECTION 9.0. ADMINISTRATION AND PROCEDURES

9.1 GENERAL.

9.1.1 Building Commissioner. The Building Commissioner shall administer and enforce the provisions of this Ordinance, including the receiving of applications, the inspection of premises and the issuing of building permits for the construction, alteration or relocation of building and structures.

9.1.2 Building Permit. No building or structure shall be erected, added to or structurally altered until a building permit therefor has been issued by the Building Commissioner. The Building Commissioner shall return to the applicant one set of the plans submitted for a building permit, after marking such copy either as approved or disapproved. One set of the plans and application for a building permit shall be retained in the office of the Building Commissioner and shall be available during the normal working hours of said department for public inspection. Whenever such permit is refused, because of some provision of this Ordinance, the reason for such refusal shall be clearly stated in writing by the Building Commissioner. In the event of doubt whether a building permit should be issued in any particular case, the Building Commissioner shall deny the application therefor.

1. Pursuant to the State Building Code, the Building Commissioner may require such plans and specifications as may be necessary to determine compliance with all pertinent laws of the Commonwealth and may request advisory reviews by other municipal boards and officials.

9.1.3 Enforcement. The Building Commissioner shall not grant a permit for the construction, alteration or relocation of any building or structure except where the provisions of this Ordinance have been complied with; nor shall any municipal officer issue any permit or license for a new use of a building, structure or land which use would be in violation of this Ordinance or amendments thereof. If the Building Commissioner shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures, or work related thereto; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; or shall take any other action authorized by this Ordinance to ensure compliance with its provisions

9.1.4 Certificate of Occupancy. No land shall be occupied or used and no building or structure, erected or structurally altered, shall be occupied or used in whole or in part for any purpose until a certificate of occupancy has been issued by the Building Commissioner stating that all buildings and use of premises comply with the provisions of this Ordinance and the building code of the city. A certificate of occupancy becomes void immediately upon termination of the use for which it was issued.

1. A record of all occupancy permits shall be kept on file by the Building Commissioner and certified copies shall be furnished on request to any person having a proprietary or tenancy interest in the premises affected, upon payment of the required fee.

9.1.5 Grievances. Any person aggrieved by a violation of any portion of this Ordinance may formally request the Building Commissioner in writing to enforce the provisions hereof, and the Building Commissioner shall act upon such request pursuant to G.L. c. 40A, s. 7.

9.1.6 Appeal to Board of Appeals. Any person aggrieved by any action taken or determination made by the Building Commissioner in the administration of this Ordinance may appeal within thirty days thereafter to the Board of Appeals by filing with the city clerk a notice of appeal specifying the ground thereof and filing an application to the board of appeals.

9.1.7 Penalties. The penalty for violation of any provision of this Ordinance of any of the conditions under which a permit is issued, or of any decision rendered by the Board of Appeals, any special permit granting authority, or the site plan approval board shall be three hundred dollars (\$300.00) for each offense. Each day that each violation continues shall constitute a separate offense.

9.2 BOARD OF APPEALS

9.2.1 Establishment. There shall be a Board of Appeals as provided by G.L. c. 40A, s. 12, as amended, which shall act on all matters within its jurisdiction under this ordinance in the manner prescribed in such section. The Board shall consist of five members to be appointed by the Mayor. All members of the Board shall be residents of the city; one member shall be an attorney at law, and one shall be either an architect, engineer or master builder. The terms shall be arranged so that one member is appointed on the first Monday of each February for a term of five years. Any vacancy in the Board shall be filled for the remainder of the unexpired term. There shall also be three associate members of the Board of Appeals who shall be appointed in like manner and have the same qualifications as the regular members of the Board, but for a term of three years. In case of an unfilled vacancy, inability to act, or interest on the part of a member of such Board, the chairperson shall designate one of the associate members to take the place of such member.

9.2.2 Powers. The Board of Appeals shall exercise the powers and perform the duties prescribed for a Board of Appeals under the provisions of G.L. c. 40A and c. 40B, or any amendments thereto. Any action of such board, under such sections, shall be in accordance with and subject to the terms thereof. The Board's powers are as follows:

1. To hear and decide applications for special permits and findings. Unless otherwise specified herein, the Board of Appeals shall serve as the special permit granting authority, to act in all matters in accordance with the provisions of Section 9.4, or as otherwise specified.

2. To hear and decide appeals or petitions for variances from the terms of this Ordinance, with respect to particular land or structures, as set forth in G.L. c. 40A, s. 10. The Board of Appeals may grant use variances in all districts.

3. To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of G.L. c. 40A, ss. 7, 8 and 15.

4. To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in G.L. c. 40B, ss. 20-23.

9.2.3 Procedures. Applications shall be filed in accordance with the rules and regulations of the Board of Appeals. An application shall not be deemed complete until all copies of required information and documentation have been filed with the Board of Appeals.

9.2.4 Conditions. Special permits and variances may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit or permit granting authority may deem necessary to serve the purposes of this Ordinance.

9.2.5 Regulations. The Board of Appeals may adopt rules and regulations for the administration of its powers.

9.2.6 Fees. The Board of Appeals may adopt reasonable administrative fees and technical review fees for petitions for variances, administrative appeals, and applications for comprehensive permits.

9.3 PLANNING BOARD

9.3.1 Establishment. An appointed Planning Board of five (5) members is hereby established.

9.3.2 Powers. The Planning Board shall have the following powers:

1. When so designated, to hear and decide applications for special permits as provided in this Ordinance, subject to any general or specific rules therein contained and subject to any appropriate conditions and safeguards imposed by the Board.

2. To review applications for site plan approval pursuant to Section 9.5 of this Ordinance.

3. To issue a Certificate of Consistency pursuant to Section 8.3 of this Ordinance.

9.3.3 Rules and Regulations. The Planning Board shall adopt rules and regulations not

inconsistent with the provisions of the Zoning Ordinance for conduct of its business and otherwise carrying out the purposes of said Chapter 40A, and shall file a copy of such rules in the office of the City Clerk.

9.3.4 Fees. The Planning Board may adopt reasonable administrative fees and technical review fees for applications for special permits and site plan approval.

9.4 SPECIAL PERMITS

9.4.1 Special Permit Granting Authority. The City Council, Zoning Board of Appeals, or the Planning Board, where designated herein, shall serve as the special permit granting authority.

9.4.2 Criteria. Special permits shall be granted by the special permit granting authority, unless otherwise specified herein, only upon its written determination that the proposed use or structure(s) shall not cause substantial detriment to the neighborhood or the City, taking into account the characteristics of the site and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, such determination shall include consideration of each of the following:

1. Community needs served by the proposal;
2. Traffic and pedestrian flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment; and
6. Potential fiscal impact, including impact on City services, tax base, and employment.

9.4.3 Procedures. Applications shall be filed in accordance with the rules and regulations of the special permit granting authority. An application shall not be deemed complete until all copies of required information and documentation have been filed with the special permit granting authority.

9.4.4 Conditions. Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Ordinance.

9.4.5 Plans. An applicant for a special permit shall submit a plan in substantial conformance with the requirements of Section 9.4, herein.

9.4.6 Lapse. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the City Clerk.

9.4.7 Regulations. The special permit granting authority may adopt rules and regulations for the administration of this section.

9.4.8 Fees. The special permit granting authority may adopt reasonable administrative fees and technical review fees for applications for special permits.

9.5 SITE PLAN REVIEW

9.5.1 Applicability. Except in the Quincy Center Districts, the following types of activities and uses require site plan review by the Planning Board:

1. All multi-family or apartment development in any zoning district which results in a dwelling with three or more dwelling units; and
2. All construction of a new nonresidential structure or expansion of an existing nonresidential structure which results in a total of more than 5,000 gross square feet but less than 9,999 gross square feet
3. Construction or expansion of a parking lot which results in a total of more than 10 spaces for a municipal, institutional, commercial, industrial, or multi-family structure or purpose.
4. Any new structure or alteration of an existing structure or change of use in any structure for an entity claiming exemption under G.L. c. 40A, s. 3; provided, however, that site plan review shall not be applicable to any municipally owned or operated pre-school, elementary school, middle school, or high school. Site plan review shall be limited in such circumstances to the imposition of reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.
5. Wind facilities that do not exceed 250 feet in height as set forth in Section 6.7 herein.
6. Commercial storage of boats, unenclosed.

9.5.2 Procedures. Site plan review shall require a public hearing in accordance with the procedures set forth in G.L. c. 40A, ss. 9 and 11. Applicants shall submit eight (8) full and ten (10) reduced copies of the site plan to the Planning Board for review and circulation by the Planning Board to the City Council, Health Commissioner, DPW Commissioner, Building

Commissioner, City Engineer, and Conservation Commission for their advisory review and comments. The Planning Board shall review and act upon the site plan, with such conditions as may be deemed appropriate, within ninety (90) days of its receipt, and notify the applicant of its decision. The decision of the Planning Board shall be upon a majority of the Board as constituted, shall be in writing, and shall be filed in the office of the City Clerk. No building permit or certificate of occupancy shall be issued by the Building Commissioner without the written approval of the site plan by the Planning Board, or unless 90 days lapse from the date of the submittal of the site plan without action by the Planning Board.

1. *Application for Building Permit.* An application for a building permit to perform work as set forth in Section 9.5.1 available as of right shall be accompanied by an approved site plan.
2. Where the Planning Board serves as the special permit granting authority for proposed work, it shall consolidate its site plan review and special permit procedures.
3. The applicant may request, and the Planning Board may grant by majority vote, an extension of the time limits set forth herein.
4. No deviation from an approved site plan shall be permitted without modification thereof.

9.5.3 Preparation of Plans; Contents. Applicants are invited to submit a pre-application sketch of the proposed project to the Planning Board and to schedule a comment period at a regular meeting of the Planning Board. Site Plans shall be submitted on 24-inch by 36-inch sheets. Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1"=20'. The contents of the site plan are as follows:

1. Six (6) separate plans prepared at a scale of one (1) inch equals twenty (20) feet or such other scale as may be approved by the planning board. The plans are as follows:
 - a. Locus plan, at a scale of one (1) inch equals one hundred (100) feet, showing the entire project and its relation to existing areas, buildings and roads for a distance of one thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the planning board.
 - b. Site layout, which shall contain the boundaries of the lot(s) in the proposed development, proposed structures, drives, parking, fences, walls, walks, outdoor lighting, loading facilities, areas for snow storage after plowing, and all proposed recreational facilities and open space areas.

- c. Topography and drainage plan, which shall contain the existing and proposed final topography at two-foot intervals and plans for handling stormwater drainage, and all wetlands including floodplain areas.
- d. Utility plan, which shall include all facilities for refuse and sewage disposal or storage of all wastes, the location of all hydrants, fire alarm and firefighting facilities on and adjacent to the site, and electric, water, gas, telephone, and cable.
- e. Architectural plan, which shall include the ground floor plan and architectural elevations of all proposed buildings and a color rendering.
- f. Landscaping plan, showing the limits of work, existing tree lines, and all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or tree, and including proposed erosion control measures.

2. The site plan shall be accompanied by a written statement indicating the estimated time required to complete the proposed project and any and all phases thereof. There shall be submitted a written estimate, showing in detail the costs of all site improvements planned.

3. A written summary of the contemplated projects shall be submitted with the site plan indicating, where appropriate, the number of dwelling units to be built and the acreage in residential use, the evidence of compliance with parking and off-street loading requirements, the forms of ownership contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance with this ordinance.

4. The site plan shall be accompanied by drainage calculations by a registered professional engineer. Storm drainage design must conform to City of Quincy Stormwater Ordinance.

5. Certification that the proposal is in compliance with the provisions, if applicable, of the Americans with Disabilities Act and the Massachusetts Architectural Barriers Board.

9.5.4 Waiver. The Planning Board, at its discretion, may waive any technical requirement of this Section 9.5 for a project which is unusually simple or small. Such waiver may be granted prior to submittal or after submittal during the public hearing. The Planning Board may define a minor site plan in its rules and regulations and specify waivers to be granted therein.

9.5.5 Approval. Site Plan approval shall be granted upon determination by the Planning Board that the plan meets the following objectives. The Planning Board may impose reasonable conditions at the expense of the applicant, including but not limited to those set forth in Section

9.5.6, to promote these objectives. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations and/or the Quincy Stormwater Ordinance. New building construction or other site alteration shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as to:

1. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;
2. Maximize pedestrian and vehicular safety both on the site and egressing from it;
3. Minimize obstruction of scenic views from publicly accessible locations;
4. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;
5. Minimize glare from headlights and lighting intrusion;
6. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places; minimize interference with architectural details in the placement or installation of fixtures, including signs; maximize orientation of the main façade of buildings to the street providing frontage.
7. Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances;
8. Ensure compliance with the provisions of this Zoning Ordinance, including parking and landscaping.

9.5.6 Existing Residential Structures. All new construction, or construction of any addition where the gross floor area of an existing residential structure is increased by no less than fifty percent (50%) shall be subject to and in conformance with the following guidelines:

1. The structure shall be oriented to the main street.
2. Primary massing of building should be located along the street facade.
3. The structure shall not have any blank exterior walls.
4. Wherever possible, garage doors shall be oriented away from the main street

5. Window and door treatments shall be rhythmic in design.
6. Roofs shall not be excessively pitched.
7. Wherever possible, parking areas shall be located to the rear and side of the structure.
8. Parking areas and HVAC equipment shall be appropriately screened.
9. Materials shall be subject to the review of the Building Commissioner and compatible with the general character of the neighborhood and subject to any design guidelines subsequently adopted by the Quincy City Council and approved by the Mayor, in effect at the time of the filing of an application for a building permit.

9.5.7 Lapse. Site plan approval shall lapse after two years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.

9.5.8 Regulations; Fees. The Planning Board may adopt and from time to time amend reasonable regulations for the administration of these Site Plan guidelines. The Planning Board may adopt reasonable administrative fees and technical review fees for site plan review.

9.5.9 Appeal. Any decision of the Planning Board pursuant to this Section 9.5 shall be appealed in accordance with the provisions of G.L. c. 40A, s. 17 to a court of competent jurisdiction.

9.6 ZONING ADMINISTRATOR. The City of Quincy hereby authorizes the appointment of a Zoning Administrator, who unless otherwise provided by charter shall be appointed by the Board of Appeals, subject to confirmation by the City Council to serve at the pleasure of the Board of Appeals pursuant to such qualifications as may be established by the City Council. The Board of Appeals may delegate to said Zoning Administrator some of its powers and duties by a concurring vote of all except one member. Any person aggrieved by a decision of order of the Zoning Administrator, whether or not previously a party to the proceeding, or any municipal office or board, may appeal to the Board of Appeals, as provided in G.L., Chapter 40A, Section 14 within thirty days after the decision of the Zoning Administrator has been filed in the Office of the City Clerk. Any appeal, application or petition filed with said Zoning Administrator as to which no decision has issued within thirty-five days from the date of filing shall be deemed denied and shall be the subject to appeal to the Board of Appeals as provided in G.L., Chapter 40A, Section 8. The Zoning Administrator shall serve without compensation.

SECTION 10.0 DEFINITIONS

For the purposes of this Ordinance, the following words and phrases shall have the meanings given herein unless a contrary intention clearly appears.

1. Verbs used in the present tense include the future; the singular noun includes the plural and the plural the singular.
2. The word "Building" includes "Structure" and shall be construed as being followed by the words "or part thereof." The word "Occupied" includes the words "designed, arranged or intended to be occupied."
3. Where the verb "Use" is employed, it shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted, rented or leased to be used."
4. The word "shall" is mandatory and not directory.
5. All distances and areas refer to measurements in a horizontal plane.

Accessory building or use: A customary building or use on the same lot with, and clearly incidental and subordinate to, the principal structure; except that off-site, off-street parking located in accordance with the provisions of Sections shall be considered as an accessory use.

Adult day care facility: A "Social Day Care (SDC) Program" or "Adult Day Health" Program as those terms are defined by the Commonwealth's Executive Office of Elder Affairs (EOEA), serving not more than fifteen persons in the home.

Adult use establishments: Shall include and be defined as follows:

Adult bookstore: An establishment having as a substantial or significant portion of its stock in trade printed matter, books, magazines, picture periodicals, motion picture films, video cassettes, computer compact disks, computer disks or diskettes, or coin-operated motion picture machines for sale, barter or rental which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "sexual conduct" as that term is defined in G.L. c. 272, s. 31, "sexual devices" or an establishment having for sale sexual devices which shall mean any artificial human penis, vagina or anus or other device primarily designed promoted or marketed to physically stimulate or manipulate the human genitals, pubic area or anal area, including dildos, penisators, vibrators, penis

rings, erection enlargement or prolonging creams or other preparations or an establishment with a segment or section devoted to the sale or display of such materials.

Adult live entertainment establishments: Establishments which feature live entertainment which consists of entertainers engaging in "sexual conduct" or "nudity" as defined in G.L. c. 272, s. 31.

Adult motion picture theater: An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating 'sexual conduct" as defined in G.L. c. 272, s.31, for observation by patrons therein.

Adult mini motion picture theater: An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by emphasis on matter depicting, describing or relating to 'sexual conduct" as defined in G.L. c. 272, s. 31, for observation by patrons therein.

Substantial or significant portion shall mean at least that portion of:

- (i) retail sales accounting for at least twenty-five percent of gross sales; or
- (ii) merchandise accounting for at least twenty-five percent of total merchandise available for sales; or
- (iii) shelf space and display space which when combined is in excess of eighty (80) square feet.

Affordable Housing Trust Committee: An independent entity created by the City of Quincy to administer affordable housing in the City of Quincy, including housing units, land, property or funds contributed by developers for the creation of affordable housing. The Affordable Housing Trust Committee shall have the powers and authority granted to that committee in the Inclusionary Housing Ordinance, Section 7.1.

Affordable Housing Trust Fund: A funds into which any monies, land, property or housing units received by the Affordable Housing Trust Committee pursuant to Section 7.1 may be deposited. Such monies, land, property or housing units shall be utilized solely as described in Section 7.1 and the Affordable Housing Trust Fund shall be administered and governed in accordance with the provisions of Section 7.1.

Affordable Housing Units: Single or multi-family residential dwelling units under any form of ownership and management which by permit or variance condition, deed restrictions, covenants, lease conditions, and/or occupancy agreements limit residents to income eligible households at the time of occupancy. Income eligible households shall be defined by the Affordable Housing Trust Committee on an annual basis. In defining income eligible households the Affordable Housing Trust Committee shall seek to provide affordable housing to low and moderate income families in accordance with Section 7.1.

Affordable Housing Ordinance: A local ordinance that requires developers, as part of any application to obtain special permit or variance to build residential housing projects, to assist the City of Quincy in providing affordable housing units.

Age Restricted Senior Housing Facility: A multifamily residential environment under any form of ownership and management which, by deed restrictions, covenants, lease conditions, and/or occupancy agreements limits residents to occupants who have attained the age of fifty-five years.

Animal Hospital or Veterinary Facility: Commercial medical facilities for keeping animals to be treated, in treatment or recovering from treatment, in accord with normal veterinary practice as established by the Massachusetts Board of Registration and Veterinary Medicine.

Assisted Living Residence: Facility licensed pursuant to G.L. c. 19D.

Basement: The portion of a building that is partly underground and which has more than one-half its height measured from finished floor to finished ceiling above the average finished grade of the ground immediately adjoining the building.

Bed and Breakfast: The providing of room and breakfast in a dwelling to not more than three transient guestrooms for remuneration. There shall be no more than two (2) persons per room. There shall be adequate offstreet parking for residents and guests.

Boarder: An individual other than a member of the family occupying a dwelling unit who, for a consideration, is furnished sleeping accommodations, meals, and may be provided personal care.

Boarding House: A building or premises, other than a hotel, inn, motel, tourist house or lodging house, where rooms are let and where meals may be regularly served by prearrangement for compensation; not open to transient guests, in contrast to hotels, restaurants, and tourist homes, open to transients.

Building: A combination of any materials, whether portable or fixed, having a roof, to form a

structure for the shelter of persons, animals or property. For the purpose of this definition, "roof" shall include an awning or similar covering, whether or not permanent in nature.

Building Coverage: The aggregate ground floor area of all buildings on the lot, including accessory buildings but excluding unroofed terraces and steps and cornices, eaves or gutters projecting not more than thirty (30) inches, expressed as a percentage of the lot area.

Certification of Consistency: A determination made by the planning board with respect to the consistency of the design, parking elements, and other components of an Urban Renewal Use with the Urban Renewal Plan in accordance with the procedures set forth in the Urban Renewal Plan.

Child Care Center: A day care center or school age child care program, as those terms are defined in G.L. c. 15D, s. 1A.

Club, private or nonprofit: A building or portion thereof or an area which is used to meet the social and recreational needs of a nonprofit group or organization to which membership is limited or controlled, with or without the sale of alcoholic beverages.

Commercial nursery: Land or greenhouse used to raise flowers, shrubs, and plants for sale not otherwise exempt by G.L. c. 40A, s. 3.

Commercial recreation, indoor: Theaters, concert halls, and cinemas, where noise is confined to the building, and there is no adult entertainment.

Commercial recreation, outdoor: Drive-in theatre, golf course/driving range, bathing beach, sports club, horseback riding stable, boathouse, game preserve, marina or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated in this ordinance.

Commercial vehicle: A vehicle registered with the Commonwealth as a commercial vehicle or a vehicle with markings or signage to indicate that it is used for a commercial purpose.

Congregate elderly facility: A noninstitutional residential shared-living environment which integrates shelter and services needed by the functionally impaired or socially isolated elder who does not require the constant supervision or intensive health care services as provided in an institution. The shared living environment shall include at least the following: (1) Shared kitchen facilities; and (2) Shared dining facilities.

Contractor's yard: Premises used by a building contractor or subcontractor for storage of equipment and supplies, fabrication of subassemblies, and parking of wheeled equipment.

Distribution center or facility: A facility for the movement of products, generally between storage and retail locations.

Drive-in, retail: A retail or consumer service establishment where motorist does not have to leave his vehicle including any such establishment that provides drive-through window service for retail sales.

Dwelling: A building designed for occupancy as the living quarters for one or more families, but not a trailer or mobile home.

Single family dwelling means a building designed for occupancy as a residence and substantially separated by side yards from any other structure except accessory buildings.

Two-family dwelling means a building designed for occupancy as a residence for two families, each occupying a single dwelling unit.

Multifamily Dwelling means a building or structure designed for occupancy as a residence by more than two families, but not including: attached dwellings; an apartment house.

Dwelling Unit means one or more rooms forming a habitable unit for one family and complete and independent housekeeping facilities. Where a dwelling has more than one kitchen, the burden of proof shall be upon the owner to show that the premises constitute not more than one dwelling unit.

Educational use, nonexempt: A facility providing educational services, such as a trade, professional or other school conducted as a private gainful business, dance studio or a martial arts classroom, but excluding noisy accessory uses, and not exempt pursuant to G.L. c. 40A, s. 3.

Essential services: Services provided by a public service corporation or by governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems whether underground or overhead, but not including wireless communications facilities. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith. Government and Utilities. Included are transformer stations, substations, pumping stations (except as an accessory use), and telephone exchanges.

Family: One or more persons related within the first degree of kindred, including domestic employees, occupying a dwelling unit and living as a single housekeeping unit; provided, that a group of four or more persons who are not related by blood or marriage shall not be deemed to constitute a family.

Family day care home, large: Any private residence operating a facility as defined in G.L. c. 15, s. 1A.

Family day care home, small: Any private residence operating a facility as defined in G.L. c. 15D, s. 1A.

Farm stand, exempt: Facilities for the sale of produce, and wine and dairy products, provided that during the months of June, July, August and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located.

Finding: The simple majority vote of the Board of Appeals or the decision of its designated Zoning Administrator, where applicable.

Floor Area Ratio (FAR): The ratio of the total gross floor area of a building or buildings on one lot to the total area of the lot.

Freight Terminal: A structure or area where freight brought by some means of transportation is stored for routing and reshipment.

Funeral home: Facility for the conducting of funerals and related activities such as embalming.

G.L.: Reference to the General Laws of the Commonwealth.

General service establishment: Establishments for trades and crafts which require manual dexterity, including but not limited to shops such as the following: plumbers, electricians, painters, paperhangers, upholsterers, sign painters, and monument works.

Greenhouse: Building with roof and sides made largely of glass or other transparent material in which temperature and humidity are regulated for the cultivation of plants for sale, not otherwise exempted by G.L. c. 40A, s. 3.

Gross Floor Area: The sum of the gross horizontal areas of the several floors of a building excluding areas used for accessory garage purposes and such basement or cellar areas as are devoted exclusively to uses accessory to the operation of the building. All horizontal dimensions shall be taken from the faces of walls, excluding unenclosed balconies. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts. Notwithstanding the first sentence of the Gross Floor Area Definition, the exclusion granted for accessory garage purposes shall not apply to either the Residence B or Business A Zoning Districts.

Gross vehicle weight (GVW): Applies when classifying trucks. GVW is the maximum loaded weight of a truck. It includes the actual weight of the truck and the maximum cargo weight. The rates contemplate the fact that many trucks, especially pickups, are only occasionally fully loaded.

Half Story: Any story which is under a pitched roof, where the point of intersection of the rafters and the face of the wall is less than three (3) feet above the floor level.

Height of Building: The vertical distance measured from the finished ceiling of the top story to a point at the finished grade, measured at the average grade plane at six feet from the foundation.

Home Occupation: An accessory use which by custom has been carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling use. In connection with such use, there shall be no retail sale of merchandise on the premises. Home occupations shall not include barber shops, commercial stables or kennels, motor vehicle repair or service, contractor's or landscaper's yards, teaching of more than three pupils simultaneously, and in the case of musical instruction, more than one pupil at a time.

Hotel, Inn, Motel: A hotel, inn or motel is a building designed or used for paying guests, primarily the temporary abode of persons who have their residence elsewhere, who are lodged with or without meals, and in which major provision for cooking may be made in a central kitchen but may not be in the individual rooms or suites.

Inclusionary Project: A project subject to the provisions of Section 7.1.1 in which affordable dwelling units are required.

Junk: Worn out, cast off or discarded articles or materials which have been collected or stored for salvage, destruction or conversion to some use, but not including articles or material which, unaltered or unchanged, and without further reconditioning can be used for its original purpose as readily as when new.

Kennel: Facilities for keeping three (3) or more animals three (3) months old or older on a single premises, whether maintained for breeding, boarding, sale, training, hunting, or other purposes and including any shop where animals are customarily kept for sale.

Laboratory, research: Laboratory or research establishments including biotechnology companies, but excluding laboratories categorized as Level 4 by the National Institutes for Health.

Light manufacturing: Manufacturing assembly, reconditioning and processing plant of the following types of industries: food and kindred products, apparel, electronics and electrical products, furniture and fixtures, primary and fabricated metal products, including the storage of new materials and containers used in or incidental to any of the foregoing.

Local Retail Operation, small: Stores five thousand square feet or less of gross retail floor area per establishment, primarily serving the local retail business needs of the residents of the vicinity, including, but not limited to, grocer, food, package, dry goods, clothing, hardware, florists and drug stores, providing such establishment does not provide drive-in retail or drive through window service for food or beverages and is not open for business between the hours of 11:00 p.m. and 7:00 a.m, unless a special permit is granted by the Board of Appeals.

Local Retail Operation, large: Stores five thousand square feet or more of gross retail floor area per establishment, primarily serving the local retail business needs of the residents of the vicinity, including, but not limited to grocer, food package, dry goods, clothing, hardware, florists and drug stores.

Lodging or boarding house: see boarding house.

Lot: A contiguous parcel of land in identical ownership throughout, bounded by other lots or streets, and used or set aside and available for use as the site of one or more buildings or other definite purpose. For the purpose of this Ordinance, a lot may or may not coincide with a lot of record.

Lot Area: The horizontal area within the exterior lines of the lot, exclusive of any area in a public or private way. open to public uses.

Lot Depth: The mean horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Lot, frontage of: A lot line coinciding with the sideline of a street which provides both legal rights of vehicular access and physical vehicular access to the lot, said line to be measured

continuously along a single street or along two (2) intersecting streets if their angle of intersection is greater than one hundred and twenty (120) degrees. Vehicular access to a building site on the lot shall be exclusively through the frontage of the lot.

Lot Width: The mean horizontal distance between the side lot lines measured perpendicular to the mean direction of the side lot lines.

Front Lot Line means a line separating the lot from a street or private way.

Rear Lot Line means the lot line opposite the front lot line; except that in the case of a corner lot, the rear lot line shall be the line opposite from the street on which the principal building faces.

Lot of Record: A lot recorded in the Registry of Deeds of Norfolk County or in the Land Court of the Commonwealth of Massachusetts either as a separate lot or as part of a subdivision.

Major Nonresidential Use: Any use, whether allowed by right or by special permit in the Table of Use Regulations, other than a dwelling, which, after initial construction or expansion of an existing structure, will have 10,000 or more gross square feet in floor area.

Manufacture, processing, assembly or other industrial operations: A use engaged in the basic processing and manufacturing of materials, or the manufacture from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products but excluding the following: Acid manufacture; Cement, bituminous concrete or asphalt manufacture; lime, gypsum or plaster of paris manufacture; Production of chlorine or similar noxious gases; Distillation of bones; Drop-forge industries manufacturing forging with power hammers; Manufacture or storage of explosives in bulk quantities; Fertilizer manufacture; Garbage, offal, or dead animal reduction or dumping; Glue manufacture; Hair manufacture; Petroleum refining; Processing of sauerkraut, vinegar or yeast; Rendering or refining of fats or oils; Smelting of tin, copper, zinc or iron ore, including blast furnace or blooming mill; Stockyard or feeding pen; Slaughter of animals, not including the killing of fowl.

Marina: A dock or basin where slips, moorings and often supplies, repairs and other services are available for craft.

Medical clinic: A facility as defined in 105 CMR 145.020, including a mobile clinic.

Mini-storage warehouse: A facility at which individual self-service storage spaces are made available to the public for rent.

Mixed use: A combination of residential and nonresidential uses in one development or building.

Motor vehicle body or paint shop: an establishment for body work or painting, provided that all work is carried out inside building, the structure is sufficiently sound-insulated and any flashing, fumes, bases, smoke and vapor is effectively confined to the premises.

Motor vehicle body repair: An establishment, garage or work area enclosed within a building where repairs are made or caused to be made to motor vehicle bodies, including fenders, bumpers and similar components of motor vehicle bodies, but does not include the storage vehicles for the cannibalization of parts.

Motor vehicle general repair: Premises for the servicing and repair of autos, but not to include fuel sales.

Motor vehicle hourly rental station: A facility at which, by contract, motor vehicles are made available for rent for a period not longer than 24 hours.

Motor vehicle service station: A building or premises used for the dispensing, sales or offering for sale of motor fuels directly to users of motor vehicles. Other sales activities and any repairs shall be activities minor in scope and clearly subordinate to the sale of motor fuels, oils and lubricants.

Municipal facility: Facility owned or operated by the City of Quincy, including police stations, fire stations and municipal administration buildings.

Nonconforming Building or Lot: A building or lot that does not conform to a dimensional regulation prescribed by this Ordinance for the district in which it is located or to regulations for off-street parking or loading or accessory buildings; provided, that such building or lot was in existence and lawful at that time the regulations became effective.

Nonconforming Use: A use of a building or lot that does not conform to a use regulation prescribed by this Ordinance for the district in which it is located; provided, that such use was in existence and lawful at the time the use regulation became effective.

Nursing or convalescent home: Any building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

Occupancy: The utilization of land, buildings or structures. Change of occupancy is not intended to include change of tenants or proprietors.

Open Space: That part of a lot designed and developed for use by the occupants of the lot or for the pleasant appearance of the building in which they reside. Such space may include swimming pools, tennis courts or similar facilities; private gardens, or landscaped elements and natural features on the site, walks and terraces. Exterior balconies and patios having an area of not less than forty square feet and reserved for the exclusive use of one family may be counted toward meeting the required open space on the lot. Such open space may not include lot area for parking, access and service drives or other hard surfaced areas intended for vehicular use.

Parking area, commercial: Principal use of a lot for the structured or unstructured parking of passenger cars for which a fee is paid, including customary ancillary service operations. A commercial parking area shall not employ machinery to engage in stacking or lifting vehicles.

Parking area or parking garage or structure: Parking, whether as a principal use of a lot or as a secondary use, for the parking of passenger cars of employees, customers or guests of establishments or of residents of a multifamily dwelling; provided, no sales or service operations are performed.

Parking area, Municipal: A parking area owned or operated by the City of Quincy.

Paving: For the purposes of Section 5.1.14, the following definitions shall apply:

Pave, and its derivatives, shall mean the placement of materials on the ground including, but not limited to, tar, asphalt, concrete, gravel, bituminous material, crushed stone, tile, and stone, concrete and brick pavers.

Repaved shall mean the replacement of the existing, paved surfaces, or the supplementation of existing paving materials, or the placement of a new type of surface material over an existing paved surface.

Personal service establishment: A service business primarily serving local needs with less than five employees, including, but not limited to, barber, beauty shop, laundry and dry cleaning, shoe repair, printing shop, photography studio, caterer's shop.

Public Art and Place-Making Program: For the purposes of Sections 8.3.9 to 8.3.14, the following words and phrases shall have the following meanings:

Artist or Professional Artist: A practitioner in the visual arts, and shall include visual artists, landscape artists and architects, as well as graphic artists, generally recognized by critics and peers as a professional of serious intent and ability. Indications of a person's status as a professional artist or place-maker include, but are not limited to, income realized through the sole commission of artwork, frequent or consistent art exhibitions, placement of artwork in public institutions or museums, receipt of honors and awards, and training in the arts.

Art, Artwork or Works of Art or Place-Making: Tangible creations by artists exhibiting the highest quality of skill and aesthetic principles and includes all forms of the visual arts conceived in any medium, material, or combination thereof, including, but not limited to, paintings, sculptures, engravings, carvings, frescos, stained glass, mosaics, mobiles, tapestries, murals, photographs, video projections, digital images, bas-relief, high relief, fountains, kinetics, collages, drawings, monuments erected to commemorate a person or an event, functional furnishings, such as artist designed seating and pavers, architectural elements designed by an artist, and artist designed landforms or landscape elements. The following shall not be considered artwork or works of art for this chapter: (i) Reproductions or unlimited copies of original artwork; (ii) Art objects which are mass produced; (iii) Works that are decorative, ornamental, or functional elements of the architecture or landscape design, except when commissioned from an artist as an integral aspect of a structure or site.

Development: Any construction, or redevelopment of any private or public building within the Quincy Center Urban Redevelopment District or the Quincy Center Zoning Districts.

Public Art Commission: The entity appointed by the Mayor to administer the Public Art and Place-Making Program and administer the Public Art Fund.

Public Art Fund: A separate, interest bearing account set up by the City to receive monies for the Public Art and Place-Making Program.

Remodeling or converting: Changes to the façade of a building, changes to the interior of building, increases or decreases in the floor area of a building and changes to exterior improvements.

Private off-site garage or parking area: A facility for the storage of vehicles owned by residents of other lots in Residence Districts.

Public Market: A market or market place as defined in G.L. c. 40, s. 10.

Restaurant, general: An establishment exceeding five thousand square feet of gross floor area, other than a fast food restaurant, where the principal activity is the service or sale of prepared food or drink for on premises or off premises consumption, or a smaller such establishment providing dancing and entertainment, but not adult entertainment.

Restaurant, local: Eating places of five thousand square feet or less of gross floor area per establishment primarily serving local needs but not limited to lunch room, restaurant, cafeteria, places for sale and consumption of beverages, ice cream, etc., primarily in enclosed structures with no dancing or entertainment other than music and no drive-in retail or drive-through window service.

Retail: A business which supplies commodities but not including exterior sales or services, drive-in or window services or the provision of any amusement, live or mechanical, except music or as incidental to the operations of a permitted church, school, club or similar non-profit institution or educational use.

Retail ancillary to manufacturing: Stores five thousand square feet or less of gross floor area per establishment where manufacturing assembly packaging of consumer goods is conducted provided at least fifty percent of such merchandise is sold at retail on the premises and that all display and sales are conducted within a building.

Retail operation, general: Stores with more than twenty thousand square feet of gross floor area serving the general retail needs of a major part of the city, including, but not limited to, general merchandise department store, furniture and household goods.

Retail operation, large: Stores five thousand square feet to twenty thousand square feet gross retail floor area per establishment, primarily serving the local retail business needs of the residents of the vicinity, including, but not limited to, grocer, food, package, dry goods, clothing, hardware, florists and drug stores.

Retail operation, small: Stores five thousand square feet or less of gross retail floor area per establishment, primarily servicing the local retail business needs of the residents of the vicinity, including, but not limited to, grocer, food, package, dry goods, clothing, hardware, florists and drug stores, providing such establishment does not provide drive-in retail or drive-through window service for food or beverages and is not open for business between the hours of 11:00 p.m. and 7:00 a.m., unless a special permit is granted by the Board of Appeals.

Retail sales of flowers or garden supplies: Sales place for flowers, garden supplies, agricultural produce, conducted partly or wholly outdoors, commercial nursery or greenhouse.

Satellite Receiving Antenna: A satellite receiving antenna is a device or instrument for the reception of television or other electronic communications broadcast or relayed from a satellite orbiting the earth.

Sign and Sign Area Definitions: The following definitions apply to these terms as used in Section 5.3 of this Ordinance:

The following definitions shall apply in this Section:

Abandoned sign means a sign that no longer identifies or advertises a locations, product or activity conducted on the premises on which the sign is located; a panel, box or cabinet in disrepair.

Animated sign means a sign employing actual motion or the illusion of motion. They differ from changeable signs as follows:

Environmentally Activated. Animated signs or devices motivated by wind, thermal changes, or other natural input. Includes spinners, pinwheels, pennant strings, and/or other devices that respond to natural phenomena.

Mechanically Activated. Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system, electric motor or other mechanical means.

Electrically Activated. Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the classifications noted below:

a. Flashing. Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same or as or less than the period of nonillumination. For the purposes of this chapter, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination is sixty seconds or more.

b. Patterned Illusionary Movement. Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motions.

Announcement Board. See “bulletin board.”

Appurtenance means a device supporting or lighting a sign.

Architectural projection means any projection that is not intended for occupancy and that

extends beyond the face of an exterior wall of a building but that does not include signs as defined here.

Awning means an architectural projection or a shelter or both projecting from and supported by the exterior wall of a building and composed of a covering of rigid material and/or fabric on a supporting framework that may be either fixed or retractable.

Awning sign means a sign on or attached to a temporary retractable shelter or permanent architectural projection that is supported entirely from the exterior wall of building.

Back-lit awning means an awning whose covering material exhibits the characteristic of luminosity obtained by means of a source of illumination contained within its framework.

Background area of sign means the entire area of a sign on which copy and/or graphics could be placed.

Banner means a flexible fabric material on which copy or graphics may be displayed.

Banner sign means a sign utilizing a banner as its display surface; generally composed of lightweight flexible material, sometimes in a rigid frame.

Belt sign means any sign designed in the horizontal strip part of a facade. See “storefront sign.”

Billboard. See “off-premises sign.” See “commercial outdoor advertising sign.”

Box Sign. See “freestanding sign.”

Building name sign means a sign that indicates the name of a building; normally made of stone, stainless steel, or other permanent material.

Bulletin board means a sign with non-electronic changeable sign copy.

Business goods or services sign means a sign that indicates the goods or services available on the premises.

Business hours sign means a sign that indicates the hours and days of operation of a business.

Business name sign means a sign that indicates the name of a business.

Business sale sign means a temporary sign that indicates that certain goods, services or products are being offered at a special or reduced price or with other considerations.

Canopy, Attached means a multi-sided structure or architectural projection supported by

attachment to a building on one or more sides and either cantilevered from such building on one side or also supported by columns at additional points.

Canopy, Freestanding means a multi-sided structure supported by columns. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

Canopy sign means a sign affixed to the visible surface(s) of an attached or freestanding canopy. May be internally or externally illuminated.

Changeable sign means a sign with capability of content change by means of manual or remote input. Includes these types:

- a. Manually Programmed. Changeable sign whose message copy or content can be changed manually on a display surface.
- b. Electrically Programmed. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices, or may be from an external light source designed to reflect off of the changeable component display. See “electronic message sign.”

Commercial sign means a sign belonging to any private establishment, office or place of business, where such business is conducted for profit.

Composite sign means any freestanding sign listing the name of a shopping center or complex and its establishments.

Constructions sign means a temporary sign that indicates the name of architects, contractors, lenders and other involved in the design, construction or financing of a building or structure or alteration of such structure.

Copy means the graphic content or message of a sign.

Copy area of sign means the actual area of the sign copy as applied to any background. Copy area on any individual background may be expressed as a mathematically or geometrically computed portion area, regulated by law, to control the amount and size of letters, words, graphics or logos. In the case of freestanding signs, and where a sign has a background color, surface or finish material which is different from the building or window face, the area shall include that surface on which all message, symbols or other graphic designs are displayed, but does not include the supporting framework and bracing.

Cornice means any prominent, continuous, horizontally projecting feature surmounting a wall or other portion of a building.

Cornice sign means a sign which is affixed to the visible surface of a cornice. May be internally or externally illuminated.

Date sign means a sign indication date of initial construction or alteration of a building.

Dimensional letters means individually attached letters cut so as to allow visibility of their spatial qualities of width, height and length.

Directional sign means any sign whose content informs the viewer, pedestrian or vehicular traffic, how to proceed to locate a particular premises, activity or facility.

Directory sign means a sign that lists the businesses within a building.

Double-faced sign means a sign with two faces, commonly back to back.

Easel sign means a freestanding sign mounted on a tripod, often single-sided, or a sandwich board type “A-frame” sign, generally two-sided.

Electric sign means any sign activated by means of electrical energy.

Electronic message sign means an electrically activated changeable sign whose variable message capability can be electronically programmed. The copy must remain in a stationary position.

Entry sign means any sign located at a recessed building entry.

Event sign means a temporary sign indicating a public event.

Exterior sign means any sign placed on the outside of a building or on the premises.

Facade means the separate face of a building including parapet walls. Where separate faces are oriented in the same direction, they are to be considered as a single facade.

Fascia means flat horizontal band or member between moldings or between vertical elements on a facade, usually above doors and windows on a storefront.

Fascia sign. See “wall sign.”

Flag sign means any sign mounted on a flagpole or similar support. See regulations for banners. Flying the flag of the United States of America is not subject to a permit.

For Sale/For Rent/For Lease signs. See “real estate sign”

Freestanding sign means any sign attached to or part of a completely self-supporting structure which is connected to the ground and not attached to any building or other structure.

Frontage, Building means the length of an exterior building wall or structure of a single premises along either a public way or other properties that it faces. Commonly, the street address side.

Frontage, Property means the length of the property line(s) of any single premises along either a public way or other properties on which it borders.

Good repair means a physical condition required of both permanent and temporary signs; signs which do not contain rust, decay, broken or dangling parts, cracked, peeling or flaking paint, ripped, torn or faded materials, with clean sign copy that is not obscured.

Ground sign. See “freestanding sign.”

Historic Commercial District means a duly established Historic Commercial District of the City of Quincy.

Historic District means the duly established Historic District of the City of Quincy.

Historic District Commission means the duly established Historic District Commission of the City of Quincy.

Historic marker means a sign that provides information on the history or architecture of a building or structure located within the historic district, or on a building which is listed on one of the historic registers.

Identification sign means a sign identifying the occupants of a building. See “directory sign.”

Illuminated sign means a sign characterized by the use of electric light, either projecting through in surface(s) (internally illuminated), or reflecting off its surface(s) (externally illuminated).

Intermediate removable surface means a removable sign face.

Logo sign means a graphic-type sign indicating a business, goods, services, product or activity.

Mansard means a roof-like facade comparable to, and part of, an exterior building wall.

Marquee means a permanent canopy or overhanging shelter projecting from and entirely supported by the building to which it is attached.

Marquee sign means a sign on or attached to a permanent overhanging shelter that projects from the face of a building.

Mural means a sign or painting intended to function as a sign, or just a painting executed on, or affixed to the wall(s) or window(s) of a building.

Noncommercial sign means a sign containing any non-commercial message such as civic, philanthropic, charitable, religious, cultural, political, or ideological or time, temperature and bus stop.

Off-premises sign means a sign which advertises or announces a use conducted or goods provided that are available elsewhere than within the building or on the lot on which the sign is located.

On-premises sign means a sign which advertises or announces a use conducted or goods that are available within the building or on the lot on which the sign is located. The sign bears a direct relationship to the activities conducted on the premises.

Parapet means the extension of a building facade above the line of the structural roof.

Pedestrian Orientation. Description of area abutting a roadway which is not a super highway and which indicates by its layout that it has made accommodations for people to walk there.

Permanent sign means a durable sign structure designed to promote, advertise, and support a place of business, an office, or an establishment for the duration of its existence. It is normally stationary and affixed.

Pole sign. See “freestanding sign.”

Political sign means any temporary non-premises sign which refers only to the issues, causes or candidates involved in a political election and is designed to influence the actions of voters.

Portable sign means any sign not permanently attached to the ground or to a building or building surface.

Premises means a tract of land including its buildings and other appurtenances.

Product sign means a sign that indicates a product or goods.

Projecting sign means a sign (other than a wall sign, an awning, a canopy, a marquee or a V-sign), including all of its mounting or supporting devices, that is attached to or projects more than twelve inches from a building face or wall over a public way or from a structure whose primary purpose is other than the support of a sign. Projecting signs under the two square foot limit and not mounted over a public way are permitted.

Public Safety Device. For purposes of this chapter, a traffic light, a traffic light pole, a sign or sign pole listing city parking rules, directions, policies or announcements, any other device serving these municipal purposes.

Public sign means a sign erected or maintained by a municipality or other government entity.

Real estate sign means a temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.

Removable facade surface means a flat object that is attached flush to and covers a portion of a building facade often becoming the receiving surface for sign copy.

Revolving sign means a sign that revolves three hundred sixty degrees about an axis. See “animated sign.”

Roof line means the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette; for a pitched roof, this shall mean the lower edge of the roof where it meets the building wall. Where a building has several roof levels, that roof level belonging to that portion of the building on whose wall the sign is located.

Roof sign means a sign located on and attached to the roof or above the roof line of a building, which is wholly or partially supported by such building.

Sandwich board sign means a freestanding, double-sided A-frame sign.

Secondary sign means a sign located on a building face other than the one which is directed to the main stream of pedestrian or vehicular traffic.

Setback means that open portion of a lot which is located between the property line and the building wall.

Sign means any structure, device, letter work, symbols, banner, logo, commercial flag or pennant, insignia, light, figure, picture, message, plaque, poster, form or other representation (excluding displays of merchandise) designed to be seen from outside a building and visible from a public way, which is used to direct public attention to and/or indicate the presence of any person, product, service or activity whose purpose is to

convey a commercial or noncommercial message. Such structure above shall include any removable facade surface used for signage.

Sign area means the area of the smallest rectangle or circle within which the entire sign can fit; including any portion of the structural supports which contribute through shape, color, or otherwise to the sign's message; and including any separate surface, board, frame or shape on or within which the sign is displayed. For signs the components of which are applied directly to a building or other structure, the sign area shall include any background of a different color, material, or appearance from the remainder of the wall or structure, and shall in any event enclose all letters, figures, or representations related to the sign.

Sign band means that exterior portion of a retail or commercial building which contains an area specifically designed to accommodate signage, usually set off by architectural details or framing elements.

Sign illumination is any means of artificially lighting a sign.

Sign materials means any materials used to construct a sign.

Sign mounting panel means that portion of a fascia which has a surface to which a sign may be attached, and which is generally set off and framed. In a building with several storefronts, such panels will generally be separate and distinct for each one. Sign mounting panels would be considered to be abandoned when they meet the criteria listed for abandoned signs or if they are left in disrepair.

Sign support means any pole, post, streetlight, cable or other structural fixture necessary to hold and secure a sign.

Slogan means a catch phrase used in advertising or promotion.

Storefront means that portion of a ground floor building front occupied by a separate and distinct use, and at which a major entrance is located.

Storefront sign means a graphic design which may or may not incorporate words, symbols, or letters painted on or applied as surface material to a large unbroken expanse of blank wall.

Temporary sign means a poster, sign or sign card lacking a permanent support structure, and intended to be displayed for only a specified period of time.

Time/temperature sign means a sign indicating the time and temperature that may contain the ability to transmit other information.

Trademark means a name, symbol or other device identifying a product, officially registered and legally restricted to the use of the owner or manufacturer.

Under canopy or under marquee sign means a sign attached to the underside of a canopy or marquee.

V sign means a sign containing two faces of equal size, positioned at an angle of less than one hundred seventy-nine degrees at the point of juncture of the individual faces.

Wall sign means a flat sign mounted against a flat wall, with the exposed face parallel to the exterior plane of the building to which it is affixed. It projects not more than eighteen inches from the building or structure wall. It also includes signs affixed to architectural projections provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face of the architectural projection to which it is affixed.

Window sign means a permanent sign erected, applied and located so as to be visible through a window and placed in the interior surface of a window with its message intended to be visible to the exterior environment.

Story: A basement or cellar, the ceiling of which extends more than four feet above the finished grade measured at the average grade plane at six feet from the foundation; also that part of a building between a floor and the floor or roof next above.

Street Line: The boundary line of the lot separating it from a public street or private way.

Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, tower, framework, retaining wall, tank, tunnel, clothesline, stadium, platform, bin, fence, sign or the like.

Urban Renewal Plan: The Quincy Center District Urban Revitalization and Development Plan dated May 7, 2007, as amended, and the Quincy Center District Design Guidelines dated November 2005, as amended.

Urban Renewal Use: A use that is: A) one or more of the following: i) allowed as set forth in Section 8.3.2; ii) a municipal parking garage; iii) a sales place for flowers, plants, garden supplies, or agricultural produce, conducted partly or wholly indoors; or iv) a combination of more than one of the preceding uses in a single building or structure; and B) for which a Certification of Consistency has been granted by the Planning Board pursuant to the Urban Renewal Plan.

Warehouse: A structure designed or used for the storage of goods.

Wholesale: The sale of goods in large quantity for the purpose of resale and completely enclosed in a building. Such uses shall not include the sale or transfer of flammable liquids, gas, explosives or other potentially hazardous materials.

Wind Facilities: The following definitions shall apply with regard to Section 6.7:

Director: Director of Inspectional Services

Wind Facility: A facility where the primary use of the facility is the conversion of wind to electricity including, but not limited to, the wind turbine(s) and all the equipment and/or machinery required for the generation, storage, and transmission of such electricity.

Height: The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.

Rated Nameplate Capacity: The maximum rated output of electric power production equipment. The manufacturer typically specifies this output with a “nameplate” on the equipment.

Permit Granting Authority: The Planning Board shall be the site plan review permit granting authority and the special permit granting authority.

Wind Monitoring or Meteorological Tower: A temporary tower equipped with devices to measure wind speeds and direction, used to determine how much wind power a site can be expected to generate.

Wind Turbine: A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a support tower, nacelle body, and a rotor with two or more blades.

Wireless Communications Facilities: The following definitions shall apply with regard to Section 6.6:

Personal wireless services: Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

Personal wireless service facilities: Facilities for the provision of personal wireless services.

Unlicensed wireless service: The offering of telecommunications service using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services.

Wireless Communications Facility: A personal wireless service facility.

Yard: The open area at the front, sides and rear of a building between the exterior walls of the building and the boundaries of the lot upon which it stands.

TABLE OF USE REGULATIONS

APPENDIX A (June 16, 2011)

PRINCIPAL USE								
A. Residential Use	RA	RB	RC	BA	BB	BC	IA	IB
Single-family dwelling	Y	Y	Y	Y	Y	N	N	N
Two-family dwelling	N	Y	Y	Y	Y	N	N	N
Multi-family dwelling	N	Y	Y	PB	PB	Y	N	N
Trailer or mobile home	N	N	N	N	N	N	N	N
Lodging or boarding home	N	N	Y	N	Y	Y	N	N
Dormitory	N	N	Y	N	Y	Y	N	N
Fraternity or sorority on campus site	N	N	Y	N	Y	N	N	N
Assisted living facility	N	N	BA	N	BA	BA	N	N
Mixed use	N	N	N	BA	BA	BA	N	N

B. Exempt and Institutional Use	RA	RB	RC	BA	BB	BC	IA	IB
Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	Y
Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y	Y	Y
Child care center	Y	Y	Y	Y	Y	Y	Y	Y
Use of land for the primary purpose of agriculture, horticulture, floriculture or viticulture on a parcel of more than five acres in area	Y	Y	Y	Y	Y	Y	Y	Y
Exempt farm stand	Y	Y	Y	Y	Y	Y	Y	Y
Essential services	BA	BA	BA	BA	BA	BA	Y	Y
Municipal office or administrative facilities, including police and fire	N	Y	Y	Y	Y	Y	Y	Y
Municipal yards and garages	N	N	N	N	Y	Y	Y	Y
Municipal parking lot	N	N	N	Y	Y	Y	Y	Y
Municipal waste disposal area operated by the city or under contract to the city	N	N	N	N	N	N	N	Y
Cemetery	N	N	N	N	N	N	N	N
Hospital	N	N	Y	N	Y	Y	N	N
Public Market	Y	Y	Y	Y	Y	Y	Y	Y

C. Retail Uses – as limited by Section 3.1.3	RA	RB	RC	BA	BB	BC	IA	IB
Retail operation, small (0-5,000 gross sq. ft.) *No operation 11 PM to 7 AM unless special permit granted by BA or PB in CD Districts	N	N	N	Y	Y	Y	N	N
Retail operation, large (5,000 -20,000 gross sq. ft.) *Larger operation if special permit granted by PB or CC)	N	N	N	N	PB	PB	CC	CC
Retail operation, general (over 20,000 gross sq. ft.)	N	N	N	N	PB	PB	CC	CC
Retail sales of flowers, garden supplies, indoors	N	N	N	Y	Y	N	Y	Y
Retail sales of flowers, garden supplies or agricultural produce, conducted partly or wholly outdoors	N	N	N	N	Y	Y	N	Y
Retail ancillary to manufacturing	N	N	N	N	BA	BA	BA	BA
Office, display or sales of a wholesale, jobbing or distribution establishment (w/ not more than 25% of floor space used for assembling, packaging and storing of commodities)	N	N	N	N	Y	Y	Y	Y
Boat sales	N	N	N	Y	Y	Y	Y	Y

D. Restaurant Uses – as limited by Section 3.1.3	RA	RB	RC	BA	BB	BC	IA	IB
Restaurant, local	N	N	N	Y	Y	Y	Y	Y
Restaurant, general	N	N	N	N	Y	Y	Y	Y
Bar or other establishment where alcoholic beverages, are sold and consumed, where no dancing or entertainment is permitted	N	N	N	Y	Y	Y	N	N
Bar or other establishment where alcoholic beverages, are sold and consumed, and where dancing or entertainment is permitted	N	N	N	N	Y	Y	N	N
Dance hall or similar place of entertainment	N	N	N	N	Y	Y	N	N

E. Miscellaneous Commercial Uses - as limited by Section 3.1.3	RA	RB	RC	BA	BB	BC	IA	IB
Nonexempt educational use	N	N	N	N	Y	Y	Y	Y
Personal service establishment	N	N	N	Y	Y	Y	N	N
General service establishment	N	N	N	Y	Y	Y	N	N
Business or professional or other general office	N	N	BA	Y	Y	Y	Y	Y
Medical office	N	N	BA	Y	Y	Y	Y	Y
Medical clinic (see 105 CMR 140.020)	N	N	N	BA	BA	BA	Y	Y
Financial services office; bank	N	N	N	Y	Y	Y	Y	Y
Radio or television studio	N	N	N	N	Y	Y	Y	Y
Radio or television transmission tower	N	N	N	N	BA	BA	BA	BA
Nonexempt greenhouse or nursery	N	N	N	Y	Y	N	Y	Y
Outdoor commercial recreation; drive-in theater	N	N	N	N	BA	N	BA	BA
Indoor commercial recreation	N	N	N	N	Y	Y	Y	Y
Animal clinic or veterinary hospital	N	N	N	BA	BA	BA	N	BA
Kennel, commercial	N	N	N	BA	BA	BA	N	BA
Private nonprofit club or lodge	N	N	N	BA	BA	BA	BA	N
Nursing or convalescent home	N	N	Y	N	Y	Y	N	N
Hotel or motel	N	N	N	N	Y	Y	N	Y
Marina	N	N	N	Y	Y	Y	Y	N
Adult use	N	N	N	N	N	N	BA	BA
Bed and Breakfast	BA	BA	BA	BA	BA	BA	N	N
Body art establishment	N	N	N	N	N	N	BA	BA
Funeral home; crematorium	N	N	N	N	BA	BA	N	N
Wireless communications facility	BA	BA	BA	BA	BA	BA	BA	BA
Commercial parking area	N	N	N	BA	BA	BA	N	N

F. Motor Vehicle Uses - as limited by Section 3.1.3	RA	RB	RC	BA	BB	BC	IA	IB
Motor vehicle service station	N	N	N	N	Y	N	Y	Y
Motor vehicle general repair	N	N	N	N	BA	N	Y	Y
Motor vehicle sales, service and rental establishments	N	N	N	N	Y	N	Y	Y
Motor vehicle hourly rental station	N	N	BA	Y	Y	Y	Y	Y
Motor vehicle body or paint shop	N	N	N	N	BA	N	BA	Y

G. Drive-In Uses - as limited by Section 3.1.3	RA	RB	RC	BA	BB	BC	IA	IB
Local restaurant, with drive through window service	N	N	N	N	BA	BA	BA	BA
Drive-in bank and other retail or consumer service establishment, excluding those where food or beverages are sold or consumed, where the motorist does not have to leave the car	N	N	N	N	BA	BA	BA	BA
Drive-in retail	N	N	N	N	BA	BA	BA	BA
Open air drive-in theater or other outdoor place for entertainment, amusement or athletics, operate for profit	N	N	N	N	N	BA	N	BA

CITY OF QUINCY
IN COUNCIL

ORDER NO.
ORDERED:

2010-047

January 25, 2010

**Be it ordained by the City Council that the Quincy
Municipal Code is amended as follows:**

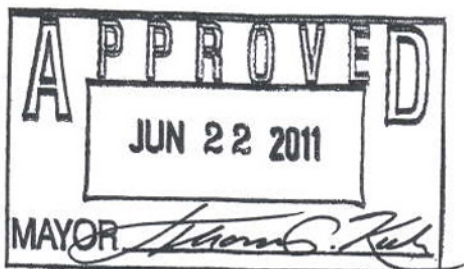
TITLE 17

The ordinance codified in this title, enacted pursuant to and under the authority of G.L. C 40A, as amended, shall be known and may be cited as the "**Quincy Zoning Ordinance**" or this "Ordinance. The adoption of this Ordinance nullifies and replaces all previous versions of the Zoning Ordinance

PASSED TO BE ORDAINED JUNE 20, 2011

ATTEST: *Maureen L. Hallen*

CLERK OF COUNCIL



A true copy
Attest:

Joseph Shea
City Clerk

YEAS: Coughlin, Finn, Gutro, Keenan, Laforest, McFarland, McNamee, Palmucci, Raymondi
NAYS: Coughlin, Finn, Gutro, Keenan, Laforest, McFarland, McNamee, Palmucci, Raymondi

H. Warehouse, Wholesale and Storage Uses - as limited by Section 3.1.3	RA	RB	RC	BA	BB	BC	IA	IB
Commercial storage of boats operation, enclosed or unenclosed	N	N	N	Y	Y	Y	Y	Y
Wholesale business and storage in roofed structure	N	N	N	N	Y	N	Y	Y
Distribution center, parcel delivery center or delivery warehouse	N	N	N	N	Y	N	Y	Y
Storage warehouse/building or cold storage plant, but not including storage or bailing of junk, scrap metals, rags, waste paper or used rubber	N	N	N	N	N	N	Y	Y
Office, display, or sales space of a wholesale, jobbing, or distribution establishment, providing no more that 25% of floor space is used for assembling, packaging, and storing of the commodity	N	N	N	N	Y	BA	Y	N
Open lot storage of new building materials, but not including junk, scrap metal, rags, waste paper and similar materials	N	N	N	N	N	N	Y	Y
Open lot storage of lumber and building materials	N	N	N	N	N	N	Y	Y
Open lot storage of coal, coke and/or other solid fuel or similar material (or such storage in silos or hoppers); all dust and dirt incidental to storage and handling is confined to the premises	N	N	N	N	N	N	N	N
Explosives storage	N	N	N	N	N	N	N	N
Open lot storage of junk, scraps, rags, paper and junked vehicles, provided not over 10 ft. in height	N	N	N	N	N	N	N	N
Dismantling/wrecking of used motor vehicles and storage and sale of the parts, provided that open lot storage shall not exceed twelve feet in height	N	N	N	N	N	N	N	N
Open lot storage of construction equipment	N	N	N	N	N	N	Y	Y
Mini-storage warehouse	N	N	N	N	BA	BA	Y	Y

I. Industrial Uses - as limited by Section 3.1.3	RA	RB	RC	BA	BB	BC	IA	IB
Laboratory or research facility	N	N	N	N	Y	Y	Y	Y
Steam laundry or dry cleaning plant	N	N	N	N	Y	N	Y	Y
Food and beverage manufacturing, bottling or processing or commissary	N	N	N	N	N	N	Y	Y
Assembly or packaging of articles not exceeding 200 lbs., provided no manufacturing or processing is carried out	N	N	N	N	N	N	Y	Y
Printing, binding, publishing and related arts and trades	N	N	N	N	N	BA	Y	Y
Light manufacturing	N	N	N	N	N	N	Y	Y
Manufacture, processing, assembly or other industrial operations	N	N	N	N	N	N	N	BA
Processing of sand and gravel and the manufacture of bituminous concrete	N	N	N	N	N	N	N	BA
Quarrying	N	N	N	N	N	N	N	N
Stonecutting, shaping and finishing in completely enclosed building	N	N	N	N	N	N	BA	BA
Waste recovery facility (resource recovery plants, solid waste recovery plants, any transfer station for solid waste or any other similar facility)	N	N	N	N	N	N	BA	BA

J. Transportation Related Uses - as limited by Section 3.1.3	RA	RB	RC	BA	BB	BC	IA	IB
Rail freight terminal/storage and yard accessory to railroad operations, provided that such freight terminals are not less than 300 feet from any residence district	N	N	N	N	N	N	Y	Y
Water freight terminal, including docks, piers, wharves and the like, provided that such port facilities are not less than 300 feet from any Residential district	N	N	N	N	N	N	Y	Y
Truck terminal, yard or building for storage or servicing of cargo trailers, trucks/buses and parking lot for trucks/buses	N	N	N	N	N	N	Y	Y
Public transportation terminal	N	N	N	N	Y	Y	Y	Y
Airport, heliport facility	N	N	N	N	N	BA	BA	BA
Boat rental facility	BA	BA	BA	BA	Y	Y	Y	Y

ACCESSORY USES								
K. Residential Accessory Uses	RA	RB	RC	BA	BB	BC	IA	IB
Family day care home, small	Y	Y	Y	Y	Y	Y	Y	Y
Family day care home, large	BA	BA	BA	BA	BA	BA	BA	BA
Adult day care	BA	BA	BA	BA	BA	BA	BA	BA
Home occupation – See Section 3.3	Y/ BA	Y/ BA	Y/ BA	Y/ BA	Y/ BA	Y/ BA	Y/ BA	Y/ BA
Swimming pool or tennis court	Y	Y	Y	Y	Y	Y	Y	Y
Keeping of animals	Y	Y	Y	Y	Y	Y	Y	Y
Parking of commercial vehicle – See Sections 3.2.3.2 and 3.2.4.1	Y	Y	Y	Y	Y	Y	Y	Y
Other customary accessory uses	Y	Y	Y	N	N	N	N	N

L. Nonresidential Accessory Uses	RA	RB	RC	BA	BB	BC	IA	IB
In multifamily dwellings or hospitals, a newsstand, barbershop, dining room or similar consumer service for occupants thereof, when conducted and entered only from within the building and no signs or advertising devices are visible from outside the building	N	N	Y	N	Y	Y	Y	Y
In hotels or motels with more than thirty sleeping rooms, a newsstand, barbershop, dining room, bar or other establishment where alcoholic beverages are sold and consumed whether or not dancing or entertainment is provided, convenience store or other similar consumer services for occupants thereof when conducted and entered only from within the building	N	N	N	N	Y	Y	N	Y
Storage or display or abandonment of more than one cubic yard of old scrap, copper, brass, iron, steel, rope, rags, batteries, household appliances, unusable machinery or other similar salvage articles, paper, trash, tires, rubber debris, parts of dismantled motor vehicles other dismantled objects or dismantled machines, and other pieces of old scrap ferrous or nonferrous materials, and rubbish	N	N	N	N	N	N	N	N
Manufacture of goods for sale on the premises to the ultimate consumer, provided, in Business A Districts no products are processed for sale elsewhere and personnel so engaged is limited to five persons at any one time	N	N	N	Y	Y	Y	Y	Y
Garage or parking area as per Section 3.2.3	Y	Y	Y	Y	Y	Y	Y	Y
Repair garage accessory to motor vehicle sales	N	N	N	N	Y	N	Y	Y
Sale of motor vehicles as an accessory use	N	N	N	N	BA	BA	BA	BA
Use or storage of combustible and flammable liquids and gases	N	N	N	Y	Y	Y	Y	Y
Other customary accessory uses, provided that such shall be subject to the standards and conditions, if any, attached to the principal use	Y	Y	Y	Y	Y	Y	Y	Y
Accessory scientific uses	BA	BA	BA	BA	BA	BA	BA	BA
Drop box for clothing or other donated items	N	N	N	BA	BA	BA	BA	BA

M. Other Uses	RA	RB	RC	BA	BB	BC	IA	IB
Private offsite garage or parking area	Y	Y	Y	Y	Y	Y	Y	Y
Other private garage or parking area for not more than 4 noncommercial vehicles belonging to occupants or users of the lot in Residence Districts	N	Y	Y	Y	Y	Y	Y	Y
Garaging or parking of not more than one commercial vehicle which may not exceed one and ½ tons weight or capacity	N	N	Y	N	Y	Y	Y	Y
Parking area or garage or structure for the parking of passenger cars of employees, customers or guests of establishments or of residents of a multi-family dwelling	N	N	N	N	Y	Y	Y	Y
Public or private access way, residential	Y	Y	Y	N	N	N	N	N
Public or private access way, nonresidential	N	N	N	Y	Y	Y	Y	Y